



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

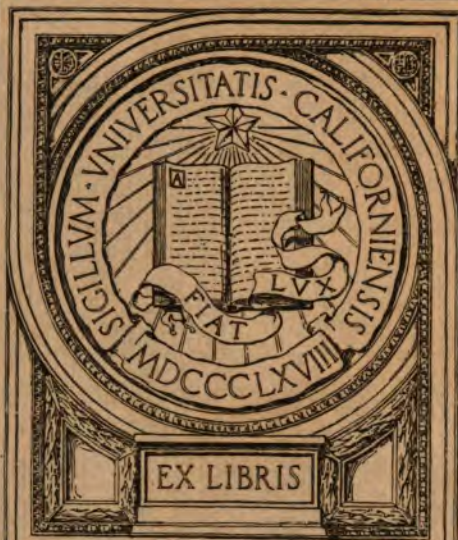
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

UC-NRLF



\$B 22 781

EXCHANGE



EX LIBRIS

FEB 8 1913
EXCHANGE

REVISION OF 1911

STATE OF MICHIGAN

LAWS RELATING TO

ELECTIONS

COMPILED UNDER THE SUPERVISION OF
FREDERICK C. MARTINDALE
SECRETARY OF STATE

BY AUTHORITY

LANSING, MICHIGAN
WYNKOOP HALLENBECK CRAWFORD CO., STATE PRINTERS
1911



REVISION OF 1911

STATE OF MICHIGAN

LAWS RELATING TO

ELECTIONS

COMPILED UNDER THE SUPERVISION OF

FREDERICK C. MARTINDALE

SECRETARY OF STATE

PRINTED BY
WYNKOOP HALLENBECK CRAWFORD CO.,
LANSING, MICHIGAN

BY AUTHORITY

LANSING, MICHIGAN
WYNKOOP HALLENBECK CRAWFORD CO., STATE PRINTERS
1911

JK1983
-145A3
1001

TO VNU
AIRPORT

TABLE OF CONTENTS.

CHAPTER I.

	Sections.
Constitutional provisions	1-82
Elections defined	83

CHAPTER II.

Registration:	
Act 177 of 1859	84-113
Registration in cities	85-91
Registration in townships	92-100
Death and removal of electors	101-104
Village elections	105-112
In Wayne county	113
Act 4 of 1869—Registration in new townships	114-119
Boards of, not to meet where liquors are sold	120-121

CHAPTER III.

General and Special Elections:	
Act 175 of 1851—Holding of general and special elections	122-130
Notification of elections	131-138
Act 190 of 1891—Manner of conducting, and to prevent fraud	139-183
Act 175 of 1851—Continued.	
Poll lists	184
Canvass of votes	185-193
District canvass	194-200
State canvass	201-216
Representatives and presidential electors	217-220
Miscellaneous provisions	221-226
Act 194 of 1891—Municipal and township elections	227-229
Identifying ballots of unqualified voters	230-235

CHAPTER IV.

Canvass and Return of Votes:	
Act 149 of 1895—Board of county canvassers	236-248
Special canvass for state senators and representatives to fill vacancies	249
Uniformity in returns	250-251
Correction of frauds and errors in returns	252
Preservation of evidence of error or fraud	253-259

CHAPTER V.

Act 203 of 1877—Election districts in townships and villages	260-273
--	---------

CHAPTER VI.

Act 135 of 1895—Primaries in cities	274-295
---	---------

CHAPTER VII.

Township Elections—Duties of Officers: (Chap. 16, R. S. 1846.)	Sections.
Township meetings	296-315
Act 283 of 1909—Overseers of highways	316-318
Manner of conducting elections (Chap. 16, R. S. 1846, continued) ..	319-329
Canvass of votes	330-334
Township officers	335-345
Resignations, vacancies, etc.	346-349
Duties of township clerk	350-352
Township treasurer	353
Compensation of township officers	354-356
Township business, other than elections	357-361
Qualification of voters and officers	362-368
Act 156 of 1851—First elections in townships	369

CHAPTER VIII.

Offenses Against Election Laws:	
Penalties, R. S. 1846, Chap. 19	370-376
Betting upon elections	377
Betting upon nominations	378-379
Bribery	380-389
Protection of primaries and conventions	390-398
Purity of conventions	399-402
Disturbances	403
Closing of saloons	404

CHAPTER IX.

County officers, election and qualification	405-438
Approval of bonds	439

CHAPTER X.

Resignations, Vacancies and Removals:	
Resignations	440-441
Vacancies	442-443
Removals	444-449
Filling vacancies	450-453

CHAPTER XI.

Election of Certain Officers:	
Circuit judges	454-461
Regents of university	462-465
State board of education	466
Superintendent of public instruction	467
Justices of supreme court	468-475
U. S. senators	476-478
State highway commissioner	479

CHAPTER XII.

Elections in Cities and Villages:	
Fourth class cities	480-526
Villages	527-544

CHAPTER XIII.

Miscellaneous:	
Voting machines	545-580
Return of vote to secretary of state	581-582
Publicity of proposed constitutional amendments	583-584
Apportionment of state senators and representatives	585-587
Local option law	588-606
Legal holidays	607-609

CHAPTER XIV.

Primary Election Law:	Sections.
Act 281 of 1909.....	610-666

APPENDIX.

U. S. laws, relative to naturalization of allens.

NOTE.—This compilation includes only laws of a general nature. Local acts which concern particular localities have been omitted.

The annotations include supreme court decisions to and including the 165th Michigan report. The character / is used in citing cases, to avoid the repetition of Mich.; the section mark § refers to the section number of the compiled laws of 1897.

The section numbers in parentheses, (), are compiler's sections and are consecutive throughout the book, and the notes used refer to these sections.

Abbreviations—Am., amended; C. L., Compiled Laws.

ELECTION LAWS.

CHAPTER I.—CONSTITUTIONAL PROVISIONS.

ARTICLE III.

ELECTIVE FRANCHISE.

(1) SECTION 1. In all elections, every male inhabitant of this state, being a citizen of the United States; every male inhabitant residing in this state on the twenty-fourth day of June, eighteen hundred thirty-five; every male inhabitant residing in this state on the first day of January, eighteen hundred fifty; every male inhabitant of foreign birth who, having resided in the state two years and six months prior to the eighth day of November, eighteen hundred ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day; and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector or entitled to vote at any election unless he shall be above the age of twenty-one years, and has resided in this state six months and in the township or ward in which he offers to vote twenty days next preceding such election: Provided, That in time of war, insurrection or rebellion no qualified elector in the actual military service of the United States or of this state, or in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or state in which he resides; and the legislature shall provide by law the manner in which and the time and place at which such absent electors may vote, and for the canvass and return of their votes.

QUALIFICATION OF ELECTORS: The source of all authority to vote at popular elections is the constitution; the electorate is constituted by the fundamental law; and the qualifications of electors must be uniform throughout the state.—*Coffin v. Election Commissioners*, 97/189; *Att'y Gen. v. Abbott*, 121/545. As to uniformity, see also, *Att'y Gen. v. Common Council*, 58/216; *Maynard v. Canvassers*, 84/239. The qualifications of voters at school meetings have never been identical with those of electors as defined in the constitution.—*Belles v. Burr*, 76/1.

TOWNSHIP OR WARD: No one can vote anywhere but in the township, or ward where he resides, except as now provided in the case of soldiers.—*People v. Blodgett*, 13/127; *People v. Maynard*, 15/463; *Att'y Gen. v. Hollman*, 29/116; *Att'y Gen. v. Common Council*, 58/213; *Warren v. Board of Registration*, 72/401. For election purposes each ward is made by the constitution equivalent to a township.—*Allor v. Wayne Auditors*, 43/76. The intention of the voter is an important factor in determining residence.—*Harbaugh v. Ciccott*, 33/241, 250.

CONSOLIDATION OF TOWNSHIPS: The electors of a disorganized township, the disorganization taking effect one day before the annual township election, have a right to exercise in the new township the franchise possessed by them in the old.—*Att'y Gen. v. McColeman*, 144/67.

(2) SEC. 2. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States or of this state, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; except that honorably discharged soldiers, seamen and marines who have served in the military or naval forces of the United States or of this state and who reside in soldiers' homes established by this state may acquire a residence where such home is located.

(3) SEC. 3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed in any military or naval place within the state.

(4) SEC. 4. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, every woman having the qualifications of male electors who has property assessed for taxes in any part of the district or territory to be affected by the result of such election shall be entitled to vote thereon.

(5) SEC. 5. Every elector in all cases, except for treason, felony or breach of the peace, shall be privileged from arrest during his attendance at elections and in going to and returning from the same.

(6) SEC. 6. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or to attend court as a suitor or witness.

(7) SEC. 7. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

BALLOT: *People v. Blodgett*, 13/143; *Belles v. Burr*, 76/23; *Maynard v. Canvassers*, 84/234; *Att'y Gen. v. May*, 99/547. The object of this provision was to secure the entire independence of the electors, to enable them to vote according to their own individual convictions of right and duty.—*People v. Cicott*, 16/312. The ballot is a constitutional method which cannot be changed.—*Att'y Gen. v. Detroit Com. Council*, 58/213, 217.

(8) SEC. 8. Laws shall be passed to preserve the purity of elections and guard against abuses of the elective franchise.

People v. Blodgett, 13/177; *Att'y Gen. v. Detroit Com. Council*, 58/215; *Att'y Gen. v. Detroit*, 78/552; *Common Council v. Rush*, 82/537; *Att'y Gen. v. May*, 99/547; *Todd v. Election Commissioners*, 104/474.

REGISTRATION: Registration is imperative and must be complied with before the elector can vote; and the failure of the board of registration to meet is of no avail to the elector.—*People v. Kopplekom*, 16/342. For the various statutory provisions as to registration, etc., see sections 84-121.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

(9) SECTION 1. The legislative power is vested in a senate and house of representatives.

People v. Collins, 3/343; *State Tax Law Cases*, 54/350, 398, 455; *King v. Concordia Ins. Co.*, 140/287; *Albert v. Gibson*, 141/700; *Att'y General v. Bolger*, 128/362; *People v. Salsbury*, 134/544; *People v. Dettenthaler*, 118/602.

(10) SEC. 2. The senate shall consist of thirty-two members. Senators shall be elected for two years and by single districts. Such districts

shall be numbered from one to thirty-two, inclusive, each of which shall choose one senator. No county shall be divided in the formation of senatorial districts, unless such county shall be equitably entitled to two or more senators.

Hunt v. Buhrer, 133 / 113; *Williams v. Sec'y of State*, 145 / 447.

DIVISION OF COUNTY: The only counties affected by this provision are Wayne and Kent.

(11) **SEC. 3.** The house of representatives shall consist of not less than sixty-four nor more than one hundred members. Representatives shall be chosen for two years and by single districts, which shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory; but no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled. Each county, with such territory as may be attached thereto, shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as shall be prescribed by law, divide the same into representative districts equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county a description of such representative districts, specifying the number of each district and population thereof according to the last preceding enumeration.

CONTIGUOUS TERRITORY: This does not require contact by land, but portions of territory, although separated by wide reaches of navigable deep waters, may be considered contiguous.—*Supervisors v. Sec'y of State*, 92 / 638.

GENERAL TICKET: No township has ever come under this provision and only three cities, Detroit, Grand Rapids and Saginaw.

SUBDIVISION OF COUNTY: The power to divide the county into representative districts is vested in the board of supervisors and not in the legislature.—*Supervisors v. Sec'y of State*, 92 / 638.

See *Smith v. Saginaw*, 81 / 123; *Maynard v. Canvassers*, 84 / 228; *Hunt v. Buhrer*, 133 / 113.

(12) **SEC. 4.** At the session in nineteen hundred thirteen, and each tenth year thereafter, the legislature shall by law rearrange the senatorial districts and apportion anew the representatives among the counties and districts according to the number of inhabitants, using as the basis for such apportionment the last preceding United States census of this state. Each apportionment so made, and the division of any county into representative districts by its board of supervisors, made thereunder, shall not be altered until the tenth year thereafter.

DISTRICTS UNALTERABLE: The constitution prohibits any alteration of a district and a law which, by the change of city boundaries, transfers electors from one district to another is as much an alteration as it would be if the same result were brought about in a different way.—*Att'y Gen. v. Hollman*, 29 / 116. But, except as prohibited by the constitution, the legislature can change legislative districts, and the power to do so is not lodged exclusively in the boards of supervisors. Such changes may be made after a new enumeration and prior to the new apportionment.—*People v. Bradley*, 36 / 447. The organization of a new county out of an entire representative district is not prohibited.—*Bay Co. v. Bullock*, 51 / 544. An act which consolidates two cities situated in different districts, but expressly preserves the boundaries of the districts and the manner of electing representatives, does not violate this provision of the constitution.—*Smith v. Saginaw*, 81 / 123. See also, *Att'y Gen. v. Springwells Twp.*, 143 / 523.

(13) **SEC. 5.** Each senator and representative shall be a citizen of

the United States and a qualified elector of the district he represents, and his removal from the district shall be deemed a vacation of the office.

(14) SEC. 6. No person holding any office under the United States or this state or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the legislature; and all votes given for any such person shall be void.

A member of the legislature, which enacted the law providing for the constitutional convention, is ineligible as a delegate to that convention.—*Fyfe v. Kent County Clerk*, 149/349. The board of district canvassers has no jurisdiction to determine whether a candidate is ineligible, because holding the office of prosecuting attorney, and reject votes cast for such ineligible candidate.—*Att'y Gen. v. Bd. of Canvassers*, 155/44.

(15) SEC. 7. No person elected a member of the legislature shall receive any civil appointment within this state or to the senate of the United States from the governor, except notaries public, or from the governor and senate, from the legislature, or any other state authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment shall be void. No member of the legislature shall be interested directly or indirectly in any contract with the state or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

APPOINTMENT: The term "appointment" seems to be used here as synonymous with "election."—*People v. Huribut*, 24/44. The purpose of such provisions is to prevent officers from using their official positions in the creation of offices for themselves, or for the appointment of themselves to place.—*Ellis v. Lennon*, 86/468.

ELIGIBILITY: A member of the legislature is not ineligible to become a candidate for member of board of county auditors, since the duties of the latter office are purely local in character.—*Lodge v. Wayne County Clerk*, 155/426. The constitution does not preclude a member of the legislature from being a candidate for a county office; the effect of such election, if the duties of the office are incompatible with the duties of a member of the legislature, would be to vacate ipso facto the office first held.—*Id.*

(16) SEC. 8. Senators and representatives shall in all cases, except for treason, felony or breach of the peace, be privileged from arrest during sessions of the legislature and for fifteen days next before the commencement and after the termination thereof. They shall not be subject to any civil process during the same period. They shall not be questioned in any other place for any speech in either house.

(17) SEC. 9. The compensation of the members of the legislature shall be eight hundred dollars for the regular session. When convened in extra session their compensation shall be five dollars per day for the first twenty days and nothing thereafter. Members shall be entitled to ten cents per mile and no more for one round trip to each regular and special session of the legislature by the usually traveled route. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he is a member, but shall not receive, at the expense of the state, books, newspapers or perquisites of the office not expressly authorized by this constitution.

(18) SEC. 10. The president of the senate and speaker of the house of representatives shall be entitled to the same compensation and mileage as members of the legislature and no more.

(19) SEC. 11. In case of a contested election, compensation and mileage shall be paid only to the person declared to be entitled to a seat by the house in which the contest takes place.

(20) SEC. 12. The election of senators and representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, nineteen hundred ten, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

(21) SEC. 15. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected from discharging a committee from the further consideration of any measure. Each house shall judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question. No member shall be expelled a second time for the same cause.

The senate is the sole judge of the qualifications of its members, and this court has no jurisdiction to determine a basis for its decision or to review it when made.—Att'y General v. Board of Canvassers, 155 / 44.

(22) SEC. 17. In all elections by either house or in joint convention the votes shall be given viva voce. All votes on nominations to the senate shall be taken by yeas and nays and published with the journal of its proceedings.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

(23) SECTION 1. There shall be elected at each general biennial election a governor, a lieutenant governor, a secretary of state, a state treasurer, a commissioner of the state land office, an auditor general and an attorney general, for the term of two years. They shall keep their offices at the seat of government, superintend them in person and perform such duties as may be prescribed by law. The office of commissioner of the state land office may be abolished by law.

(24) SEC. 6. He (governor) shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

(25) SEC. 10. Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.

(26) SEC. 11. All official acts of the governor, except his approval of the laws, shall be authenticated by the great seal of the state, which shall be kept by the secretary of state.

(27) SEC. 12. All commissions issued to persons holding office under the provisions of this constitution shall be in the name and by the authority of the people of the state of Michigan, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

(28) SEC. 13. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty years

and who has not been five years a citizen of the United States and a resident of this state two years next preceding his election.

Att'y General v. Detroit Com. Council, 112 / 151.

(29) SEC. 14. No member of congress nor any person holding office under the United States or this state shall execute the office of governor, except as provided in this constitution.

(30) SEC. 15. No person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

(31) SEC. 16. In case of the impeachment of the governor, his removal from office, death, inability, resignation or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term or until the disability ceases. When the governor shall be out of the state at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

(32) SEC. 17. During a vacancy in the office of governor, if the lieutenant governor die, resign, or be impeached, displaced, be incapable of performing the duties of his office, or absent from the state, the secretary of state shall act as governor until the vacancy be filled or the disability cease.

(33) SEC. 18. The lieutenant governor or secretary of state, while performing the duties of governor, shall receive the same compensation as the governor.

(34) SEC. 20. The secretary of state, state treasurer and commissioner of the state land office shall constitute a board of state auditors. They shall examine and adjust all claims against the state not otherwise provided for by general law. They shall constitute a board of state canvassers to determine the result of all elections for governor, lieutenant governor, state officers and such other officers as shall by law be referred to them. They shall act as a state board of escheats and a board of fund commissioners. They shall perform such other duties as may be prescribed by law. In case the office of commissioner of the state land office is abolished, another state officer shall be designated by law as a member of the several boards mentioned in this section.

STATE CANVASSERS: The determination of this board is subject to no review except as provided in the next section.—*People v. Cicott*, 16 / 301; *Royce v. Goodwin*, 22 / 501; *Ayres v. State Auditors*, 42 / 427; *Newton v. Canvassers*, 94 / 459; *Vance v. Canvassers*, 95 / 466. As to when a succeeding board may be compelled to convene and recanvass returns, see *Belknap v. State Canvassers*, 95 / 155; *Rich v. State Canvassers*, 100 / 453. When mandamus will not be issued against.—*Baker v. St. Canvassers*, 69 / 656. See section 201 and notes.

See *Warner v. Aud. Gen.*, 129 / 650. As to jurisdiction of the board in a recount, under the primary election law, see *Bradley v. Bd. of State Canvassers*, 154 / 274.

(35) SEC. 21. The governor and attorney general shall each receive an annual salary of five thousand dollars. The secretary of state, state treasurer, commissioner of the state land office and auditor general shall each receive an annual salary of twenty-five hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with the offices. It shall not be competent for the legislature to increase the salaries herein provided.

ARTICLE VII.**JUDICIAL DEPARTMENT.**

(36) **SECTION 1.** The judicial power shall be vested in one supreme court, circuit courts, probate courts, justices of the peace and such other courts of civil and criminal jurisdiction, inferior to the supreme court, as the legislature may establish by general law, by a two-thirds vote of the members elected to each house.

THE SUPREME COURT.

(37) **SEC. 2.** The supreme court shall consist of one chief justice and associate justices, to be chosen by the electors of the state at the regular biennial spring elections; and not more than two justices shall go out of office at the same time. The term of office shall be prescribed by law.

The number of justices is now eight and term of office eight years.

CIRCUIT COURTS.

(38) **SEC. 8.** The state shall be divided into judicial circuits in each of which there shall be elected one circuit judge. The legislature may provide by law for the election of more than one circuit judge in any judicial circuit. A circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by law. The legislature may by law arrange the various circuits into judicial districts, and provide for the manner of holding courts therein. Circuits and districts may be created, altered or discontinued by law, but no such alteration or discontinuance shall have the effect to remove a judge from office.

Royce v. Goodwin, 22 / 496.

(39) **SEC. 9.** Circuit judges shall be elected on the first Monday in April, nineteen hundred eleven, and every sixth year thereafter. They shall hold office for a term of six years and until their successors are elected and qualified. They shall be ineligible to any other than a judicial office during the term for which they are elected and for one year thereafter.

People v. Burch, 84 / 408.
As to election of circuit judges, see sections 454-461.

(40) **SEC. 12.** Each of the judges of the circuit courts shall receive a salary payable monthly. In addition to the salary paid from the state treasury, each circuit judge may receive from any county in which he regularly holds court such additional salary as may be determined from time to time by the board of supervisors of the county. In any county

where such additional salary is granted it shall be paid at the same rate to all circuit judges regularly holding court therein.

PROBATE COURTS.

(41) SEC. 13. In each county organized for judicial purposes, there shall be a probate court. The jurisdiction, powers and duties of such courts and of the judges thereof shall be prescribed by law, and they shall also have original jurisdiction in all cases of juvenile delinquents and dependents.

(42) SEC. 14. Judges of probate shall be elected in the counties in which they reside, and shall hold office for four years and until their successors are elected and qualified. They shall be elected on the Tuesday succeeding the first Monday of November, nineteen hundred twelve, and every four years thereafter. The legislature may provide by law for the election of more than one judge of probate in counties with more than one hundred thousand inhabitants, and may provide for the election of such judges in such counties at alternate biennial elections.

PROBATE JUDGES: The duties performed by probate judges are in no sense services performed for their respective counties and they are in no sense county officers. They exercise a portion of the judicial and prerogative power of the state and cannot be subjected to the direction of any body inferior to the legislature.—*Douville v. Manistee Supervisors*, 40 / 585. But probate judges must reside within the counties for which elected.—*Royce v. Goodwin*, 22 / 496. Appointment to fill vacancy.—*People v. Lord*, 9 / 227.

JUSTICES OF THE PEACE.

(43) SEC. 15. There shall be elected in each organized township not to exceed four justices of the peace, each of whom shall hold the office for four years and until his successor is elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold the office for the residue of the unexpired term. The legislature may provide by law for justices in cities.

FOUR JUSTICES: There has always been, under the constitution, four justices provided by law for each township, and the term of years of the office, and the provision for classification of the terms at the first election tend to support the theory that it was intended by the constitution that there should be four justices in each township; but the constitution strictly, by its terms, does not provide that there must be four justices in a township, but that there shall be not exceeding four.—*Brooks v. Hydorn*, 76 / 273. A justice of the peace is a constitutional officer and cannot be legislated out of office by the reorganization of a municipality or the amendment of a charter.—*Gratupp v. Van Epps*, 113 / 590; see also *Att'y Gen. v. Loomis*, 141 / 547. As to the election of justices in townships, see section 296 of this compilation, also sections 2369-73 of C. L. 1897.

MUST BE ELECTED: The constitution requires all justices to be elected and it is against public policy to have them chosen otherwise except for temporary purposes.—*Edison v. Almy*, 66 / 329; *Brooks v. Hydorn*, 76 / 275.

TERM OF OFFICE: See *Messenger v. Teagan*, 106 / 654; *Hulbert v. Henry*, 105 / 212.

GENERAL PROVISIONS.

(44) SEC. 19. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, he shall be deemed to have vacated the office.

See *Royce v. Goodwin*, 22 / 496; *Faulks v. People*, 39 / 200.

(45) SEC. 20. When a vacancy occurs in the office of judge of any court of record, it shall be filled by appointment of the governor, and the person appointed shall hold the office until a successor is elected and qualified. When elected, such successor shall hold the office the residue of the unexpired term.

The appointee under this provision holds only until the election of a successor.—People v. Lord, 9/227; Lawrence v. Hanley, 84/405; People v. Burch, 84/408; Adsit v. Sec'y of State, 84/420; People v. Palmer, 91/283.

(46) SEC. 21. The legislature may provide by law for the election of one or more persons in each organized county who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

CIRCUIT COURT COMMISSIONER: The circuit court commissioner is a subordinate and assistant to the circuit court rather than an independent judicial officer.—Burger's Case, 39/203. As to requirement that he be an attorney at law, see People v. May, 3/609. See Hunt v. Wayne Judges, 142/117. For statutory provisions as to this officer, see section 421.

ARTICLE VIII.

LOCAL GOVERNMENT.

COUNTIES.

(47) SEC. 3. There shall be elected biennially in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

The prosecuting attorney must be an attorney at law.—People v. May, 3/598; Att'y General v. Abbott, 121/541.

(48) SEC. 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

(49) SEC. 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and, in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

Lamoreaux v. Att'y General, 89/146.

(50) SEC. 6. The legislature shall by general law provide for the appointment of a board of jury commissioners in each county; but such law shall not become operative in any county until a majority of the electors of the county voting thereon shall so decide.

(51) SEC. 7. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

(52) SEC. 9. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. The boards of supervisors, or in counties having county auditors, such auditors, shall adjust all claims against their respective counties; appeals may be taken from such decisions of the boards of supervisors or auditors to the circuit court in such manner as shall be prescribed by law.

TOWNSHIPS.

(53) SEC. 18. There shall be elected annually on the first Monday of April in each organized township one supervisor, one township clerk, one commissioner of highways, one township treasurer, not to exceed four constables and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law.

The office of school inspector was eliminated by this section.

For election of overseers of highways, see section 316.

ORGANIZED TOWNSHIPS: Townships, in which electors can lawfully vote and whose supervisors conjointly may exercise the legislative and administrative powers of the corporations, are necessary subdivisions of the county. A county cannot be organized without the existence of townships, and there must be more than one township.—*People v. Maynard*, 15/463. A new township, organized without special conditions, becomes a "township" within the meaning of the constitution and laws, clothed with the same rights and powers and subject to the same duties as belong to new townships generally. It becomes severed from the school district organization in which it was formerly embraced.—*People v. Ryan*, 19/203. There is nothing to indicate that it was intended to embrace organized and incorporated cities and villages within the term "organized townships."—*White v. Supervisors*, 105/612.

ELECTIONS: The townships in which elections are held must be organized townships.—*People v. Maynard*, 15/463.

TOWNSHIP OFFICERS' FUNCTIONS: The functions of township officers, who are continued by constitutional enactment, are as clearly within the contemplation and protection of the constitution as are the officers themselves, and the legislature has no more power to deprive those officers of their authority and confer that authority upon officers not of local selection, than it has to abolish the offices.—*Davies v. Supervisors*, 89/295.

SUPERVISORS: These officers, who may constitute a county board, are necessary to the organization of a county.—*People v. Maynard*, 15/463. The effect of this section, construed with sec. 7 of art. viii, is to limit the power of the legislature to give organized townships more than one representative on the board of supervisors, and imposes the duty to give cities some representation therein.—*Att'y Gen. v. Preston*, 56/177. For the distinction between a supervisor and an ex officio member of the board of supervisors, see the case last cited, and *Holden v. Supervisors*, 77/202.

HIGHWAY OFFICERS: Highway commissioners are constitutional officers.—*Burnham v. Township*, 46/555. The powers of highway commissioners and overseers are subject to legislative modification, but no legislation can abolish the offices or take away all their functions. The highways in each district must, to some extent at least, be subject to an overseer elected by the people.—*Hubbard v. Twp. Board*, 25/153.

CONSTABLES: No municipal corporation ever existed here or in England without constables or officers answering to constables. They are here and always have been the local peace officers of their vicinage, the ministerial officers of justices of the peace and the bailiffs of courts of record of criminal jurisdiction in the county.—*Allor v. Wayne Auditors*, 43/76, 102.

CITIES AND VILLAGES.

(54) SEC. 20. The legislature shall provide by a general law for the incorporation of cities, and by a general law for the incorporation of villages; such general laws shall limit their rate of taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.

(55) SEC. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state.

(56) SEC. 25. No city or village shall have power to abridge the right

of elective franchise, to loan its credit, nor to assess, levy or collect any tax or assessment for other than a public purpose. Nor shall any city or village acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of three-fifths of the electors of such city or village voting thereon at a regular or special municipal election; and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.

GENERAL PROVISIONS.

(57) SEC. 26. The legislature may by general law provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties, districts and townships; and may authorize counties or districts to take charge and control of any highways within their limits for such purposes. The legislature may also by general law prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts; may provide for county and district road commissioners to be appointed or elected, with such powers and duties as may be prescribed by law; and may change and abolish the powers and duties of township commissioners and overseers of highways. The legislature may provide by law for submitting the question of adopting a county or district road system to the electors of the counties or proposed districts, and such road system shall not go into operation in any county or district until approved by a majority of the electors thereof voting on such question. The tax raised for road purposes shall not exceed in any one year three dollars upon each one thousand dollars of assessed valuation for the preceding year.

ARTICLE IX.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

(58) SECTION 1. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

(59) SEC. 3. Every impeachment shall be tried by the senate. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside. When an impeachment is directed, the senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

(60) SEC. 4. No judicial officer shall exercise his office after an impeachment is directed until he is acquitted.

(61) SEC. 5. The governor may make a provisional appointment to

fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted or until after the election and qualification of a successor.

(62) SEC. 6. For reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to each house of the legislature; and the cause for which such removal is required shall be stated at length in such resolution.

(63) SEC. 7. The governor shall have power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointive; to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the causes of such removal to the legislature at its next session.

(64) SEC. 8. Any officer elected by a county, city, village, township or school district may be removed from office in such manner and for such cause as shall be prescribed by law.

ARTICLE X.

FINANCE AND TAXATION.

(65) SEC. 19. No collector, holder or disburser of public moneys shall have a seat in the legislature, nor be eligible to any office of trust or profit under this state, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

ARTICLE XI.

EDUCATION.

(66) SEC. 2. A superintendent of public instruction shall be elected at the regular election to be held on the first Monday in April, nineteen hundred nine, and every second year thereafter. He shall hold office for a period of two years from the first day of July following his election and until his successor is elected and qualified. He shall have general supervision of public instruction in the state. He shall be a member and secretary of the state board of education. He shall be ex-officio a member of all other boards having control of public instruction in any state institution, with the right to speak but not to vote. His duties and compensation shall be prescribed by law.

Election of superintendent of public instruction, see section 467. His salary was fixed at \$4,000.

(67) SEC. 3. There shall be a board of regents of the university, consisting of eight members, who shall hold the office for eight years. There shall be elected at each regular biennial spring election two members of

such board. When a vacancy shall occur in the office of regent it shall be filled by appointment of the governor.

Election of regents, see sections 462-465.

(68) SEC. 5. The regents of the university shall, as often as necessary, elect a president of the university. The president of the university and the superintendent of public instruction shall be ex-officio members of the board of regents, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of the university. The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds.

(69) SEC. 6. The state board of education shall consist of four members. On the first Monday in April, nineteen hundred nine, and at each succeeding biennial spring election, there shall be elected one member of such board who shall hold his office for six years from the first day of July following his election. The state board of education shall have general supervision of the state normal college and the state normal schools, and the duties of said board shall be prescribed by law.

Election of members state board of education, see section 466.

(70) SEC. 7. There shall be elected on the first Monday in April, nineteen hundred nine, a state board of agriculture to consist of six members, two of whom shall hold the office for two years, two for four years and two for six years. At every regular biennial spring election thereafter, there shall be elected two members whose term of office shall be six years. The members thus elected and their successors in office shall be a body corporate to be known as "The State Board of Agriculture."

(71) SEC. 8. The state board of agriculture shall, as often as necessary, elect a president of the agricultural college, who shall be ex-officio a member of the board with the privilege of speaking but not of voting. He shall preside at the meetings of the board and be the principal executive officer of the college. The board shall have the general supervision of the college, and the direction and control of all agricultural college funds; and shall perform such other duties as may be prescribed by law.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

(72) SECTION 1. The terms of office of all elective state officers and of all judges of courts of record shall begin on the first day of January next succeeding their election, except as otherwise prescribed in this constitution. The terms of office of all county officers shall begin on the first day of January next succeeding their election, except as otherwise prescribed by law.

(73) SEC. 2. Members of the legislature and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I

will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of — according to the best of my ability.” No other oath, declaration or test shall be required as a qualification for any office or public trust.

(74) SEC. 3. Neither the legislature nor any municipal authority shall grant or authorize extra compensation to any public officer, agent, employe or contractor after the service has been rendered or the contract entered into. Salaries of public officers, except circuit judges, shall not be increased, nor shall the salary of any public officer be decreased, after election or appointment.

(75) SEC. 4. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of state canvassers, the legislature in joint convention shall choose one of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature in joint convention shall decide which person is elected.

(76) SEC. 5. The legislature may provide by law the cases in which any office shall be deemed vacant and the manner of filling vacancies, where no provision is made in this constitution.

ARTICLE XVII.

AMENDMENT AND REVISION. ¶

(77) SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the journals, respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the legislature shall direct; and, if a majority of electors qualified to vote for members of the legislature voting thereon shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

See Westinghausen v. People, 44 / 265; Murphy Chair Co. v. Att’y General, 148 / 563; Carton v. Sec’y of State, 151 / 337.

(78) SEC. 2. Amendments may also be proposed to this constitution by petition of the qualified electors of this state but no proposed amendment shall be submitted to the electors unless the number of petitioners therefor shall exceed twenty per cent of the total number of electors voting for secretary of state at the preceding election of such officer. All petitions shall contain the full text of any proposed amendment, together with any existing provisions of the constitution which would be altered or abrogated thereby. Such petitions shall be signed at the regular registration or election places at a regular registration or election under the supervision of the officials thereof, who shall verify the genuineness of the signatures and certify the fact that the signers are registered electors of the respective townships and cities in which they reside, and shall forthwith forward the petitions to the secretary of state. All

petitions for amendments filed with the secretary of state shall be certified by that officer to the legislature at the opening of its next regular session; and, when such petitions for any one proposed amendment shall be signed by not less than the required number of petitioners, he shall also submit the proposed amendment to the electors at the first regular election thereafter, unless the legislature in joint convention shall disapprove of the proposed amendment by a majority vote of the members elected. The legislature may, by a like vote, submit an alternative or a substitute proposal on the same subject. The action of the legislature shall be entered on the journal of each house, with the yeas and nays taken thereon. But no amendment to this section may be proposed in the manner herein prescribed.

If a majority of the electors qualified to vote for members of the legislature voting thereon shall ratify and approve any such amendment or amendments, the same shall become a part of the constitution: Provided, That for any amendment proposed under this section, the affirmative vote shall be not less than one-third of the highest number of votes cast at the said election for any office. In case alternative proposed amendments on the same subject are submitted at the same election, the vote shall be for one of such alternatives or against such proposed amendments as a whole. If the affirmative vote for one proposed amendment is the required majority of all the votes cast for and against such proposed amendments, it shall become a part of the constitution. If the total affirmative vote for such alternative proposed amendments is the required majority of all the votes for and against them, but no one proposed amendment receives such majority, then the proposed amendment which receives the largest number of affirmative votes shall be submitted at the next regular election, and if it then receives the required majority of all the votes cast thereon it shall become a part of the constitution. The legislature shall enact appropriate laws to carry out the provisions of this section.

(79) SEC. 3. All proposed amendments to the constitution submitted to the electors shall be published in full, with any existing provisions of the constitution which would be altered or abrogated thereby, and a copy thereof shall be posted at each registration and election place. Proposed amendments shall also be printed in full on a ballot or ballots separate from the ballot containing the names of nominees for public office.

Publicity of constitutional amendments, see section 583.

(80) SEC. 4. At the general election to be held in the year nineteen hundred twenty-six, in each sixteenth year thereafter and at such other times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors qualified to vote for members of the legislature. In case a majority of such electors voting at such election shall decide in favor of a convention for such purpose, at the next biennial spring election the electors of each senatorial district of the state as then organized shall elect three delegates. The delegates so elected shall convene at the state capitol on the first Tuesday in September next succeeding such election, and shall continue their sessions until the business of the convention shall be completed. A majority of the delegates elected shall constitute a quorum for the transaction of business. The convention shall choose its own officers, deter-

mine the rules of its proceedings and judge of the qualifications, elections and returns of its members. In case of a vacancy by death, resignation or otherwise, of any delegate, such vacancy shall be filled by appointment by the governor of a qualified resident of the same district. The convention shall have power to appoint such officers, employes and assistants as it may deem necessary and to fix their compensation, and to provide for the printing and distribution of its documents, journals and proceedings. Each delegate shall receive for his services the sum of one thousand dollars and the same mileage as shall then be payable to members of the legislature, but such compensation may be increased by law. No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner provided by such convention on the first Monday in April following the final adjournment of the convention; but, in case an interval of at least ninety days shall not intervene between such final adjournment and the date of such election, then it shall be submitted at the next general election. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon such constitution or amendments shall take effect on the first day of January following the approval thereof.

SCHEDULE.

(81) SEC. 6. All officers elected under the existing constitution and laws on the Tuesday after the first Monday of November, nineteen hundred eight, shall take office on and after the first day of January, nineteen hundred nine, under this constitution.

(82) SEC. 7. Until otherwise provided, the salaries or compensation of all public officers shall continue as provided under the existing constitution and laws.

ELECTIONS DEFINED.

[Extract from Ch. 1, R. S. 1846.]

Annual township meeting.

(83) § 50. SEC. 3. Sub. Div. 4. The words "annual meeting," when applied to townships, shall be construed to mean the annual meeting required by law to be held in the month of April.

General election.

Sub. Div. 19. The words "general election," shall be construed to mean the election required by law to be held in the month of November.

GENERAL ELECTION: The general election is not a township meeting in any legal sense.—*People v. Knight*, 13/426. Under the constitution there was only one election which was ever referred to as a general election, and that the term was used as identical with the November election, which was previously annual, and thereby made biennial. That was the only election held simultaneously throughout all the state for officers to represent the whole state.—*Westinghausen v. People*, 44/269. And it is hardly necessary to say that subsequent legislation could not change the meaning or effect of any part of the constitution.—*Id.* 270. The only foundation for any notion that the spring elections can serve the purpose of the general election mentioned in the constitution is that in organizing the present supreme

court in 1857, the statute declared that a "general election" should be held on the first Monday in April every second year for the election of judges. Of course, the legislature can make their own definitions for statutory purposes, but this would not change the constitutional definition or make it apply to any election not within the constitutional contemplation.—Id. 271. The language of Art. 20, Const. of 1850, taken with all the various other provisions which refer to general elections, very plainly refers to the fall election, and that the practical construction put upon it is correct and binding.—Id. 272. The words "general election" used in the constitution and statute, as applied to the office of judge of probate, can have no other meaning than the biennial election held in November, and an election at any other time to that office must be regarded as a special election.—People v. Palmer, 91/283. The term "general election" must be held to mean the November, and not the April election, unless inconsistent with the manifest intent of the legislature.—Edgar v. Election Commissioners, 118/418.

See *Carton v. Sec'y of State*, 151/357; *Chase v. Election Com'rs of Wayne Co.*, 151/407.

CHAPTER II.—REGISTRATION OF ELECTORS.

An Act further to preserve the purity of elections, and guard against the abuse of the elective franchise, by a registration of electors.

[Act 177, S. L. 1859.]

The People of the State of Michigan enact:

(84) § 3536. SECTION 1. That there shall be, in the year one thousand eight hundred and fifty-nine, a registration of the qualified electors of the state. The aldermen of every incorporated city, and the supervisor, treasurer, and clerk of every township, shall constitute a board of registration for such city or township, and their duties shall be as follows: They shall respectively provide suitable bound books or registers, one for each township and one for each ward, so made and arranged as to contain an alphabetical list of the respective names, christian or baptismal, and surnames, in full, of all persons declared by the constitution of the state to be electors and entitled to vote, residing in their townships or wards, and the date of the registration; and, if the elector resides in a city or incorporated village, also his residence by the number of the dwelling and the name of the street, if any, and if none, a description of the locality of the same.

Registration ordered.

Board of registration.

Board to provide books or registers.

REGISTRATION NECESSARY: This act is grounded upon the same article of the constitution which gives the right to vote and is imperative: it must be complied with before the elector can vote, and the omission of the board of registration to meet is of no avail to the elector as an excuse for not registering.—People v. Kopplekom, 16/342. See *Common Council v. Rush*, 82/537; *Att'y Gen. v. McQuade*, 94/441.

PURITY OF ELECTIONS: The laws to regulate elections and to preserve their purity, and to guard against abuses of the elective franchise, must be reasonable, uniform and impartial, and must be calculated to facilitate and secure, rather than to subvert and impede, the exercise of the right to vote.—Att'y Gen. v. Detroit, 78/553.

REGISTRATION IN CITIES.

(85) § 3537. SEC. 2. Each city board shall, at least two weeks previous to the time of their meeting in each ward, cause to be published in one or more newspapers printed and

Notice of meeting of board of registration.

Time and place of meeting.	published in such city, a notice that the board of registration will meet on the first Monday of October, in the year one thousand eight hundred and fifty-nine, at nine o'clock in the forenoon, to make a perfect list, as near as may be, of all persons residing in such ward, qualified as electors under the constitution; and designating the place in each ward where said board will meet for that purpose. And they shall also cause handbills to be posted in at least twenty conspicuous places in each ward, containing a similar notice of the time and place of such meeting of the board for that ward; which notice shall also contain a true copy of section one of article seven of the constitution, relative to the qualifications of electors. And the board may so divide and classify themselves that two or more of them may be assigned to different wards, the more speedily to complete the registration; and in case of the sickness or absence of any alderman, or his inability or refusal to serve at the session in any ward, the board shall, in writing, under the hand of their chairman, immediately appoint the assessor of the ward, or any justice of the peace, to act in his stead, who shall be, for the purpose of registration in that ward, deemed a member of the board of registration. They shall continue in session not less than three nor more than five days in each ward. All necessary blanks and instructions to aid the board in the discharge of their duties, and all other expenses in performing the same, including the employment of printers for printing such notices, and the registry lists, shall be provided by the board and be paid for by the city.
Handbills to be posted.	
What notice to contain.	
Board may classify to facilitate registration.	
Duty of board as to vacancies.	
Length of session.	
Expenses, how paid.	
Duty of boards of registration.	(86) § 3538. SEC. 3. At the time and place mentioned in such notice, the board, or those members thereof so classified and assigned for that ward, shall meet and proceed to the registration in such book, which book shall be called the "Register of Electors" for such ward, of the names of persons at the time residing in such ward, and so qualified as follows, to-wit: Their sessions shall be public, and during the first two days thereof they shall not write in the register the name of any person without a request made by him personally and in their presence; but shall allow him, if able and willing so to do, to write his own name therein in the proper place. In case of such request, the name of the elector shall be plainly written by a member of the board, who shall also note his residence as required by section one of this act. After the first two days of the session it shall be the duty of such board to proceed to complete the list, by writing in such register the names of all the remaining residents of the ward, known by them to be such and to be qualified as aforesaid, with the proper descriptions above mentioned; but they shall, during their whole session, permit any such qualified person residing in the ward, whose name has not already been entered in the register, to write it there himself. Opposite to every name on such register shall be noted by the board the day and year of its entry, and during such session and all future
Sessions to be public.	
Registration, how made.	

sessions of the board in any city or township, they may, for their better information in making the registration, have before them the poll list of the next preceding general election, charter election, or township meeting, to be returned to the proper keeper at the close of the session, and all such entries shall be made with ink. The board, at every session, shall have power, and it shall be their duty, to question every person presenting himself for registration, touching his residence and other qualifications as an elector of the ward; and it shall be the duty of the applicant to make truthful answers to all such questions, and the board may, for the more perfect examination of the applicant, swear and employ an interpreter, truly and impartially to interpret all such questions and answers, and if the applicant shall, in his answers, make any material statement which is false, he shall, upon conviction thereof, pay a fine of not more than one hundred nor less than five dollars, and be imprisoned in the county jail not more than thirty nor less than five days.

Applicant to make oath.

Penalty for making false statement.

BOARD OF REGISTRATION: Their duty as to the mode of determining the qualification of voters. When a person applies to the board of registration for the purpose of having his name registered as a voter, and offers to be sworn as to his qualifications, it is the duty of the board to examine such person upon his oath. They have no right to reject him on mere inspection. Where the return made by respondents denies that the relator was entitled to be registered as a voter, an issue will be directed to determine the fact.—*People v. Board of Registration of Nankin*, 15/157. Where a person appears before the ward board of registration and claims to be registered, the board are bound to examine him under oath and hear testimony offered by him. They have no right to pass upon the question of his legal right by mere personal inspection.—*People v. Board of Registration*, 17/427.

(87) § 3539. SEC. 4. The name of no person but an actual resident of the ward at the time of the registration, and entitled, under the constitution, if remaining such resident, to vote at the then next general or charter election, shall be entered in the register. Neither the board, nor any member thereof, shall write or enter in the register the name of any person, nor suffer him to write or enter his name therein, whom they know, or have good reason to believe, not to be such resident and so qualified; nor shall any person knowing or having good reason to believe himself not to be such resident and so qualified, write his name therein, or cause it to be done; and every person so offending shall, upon conviction, be punished for each offense by a fine of not more than five hundred nor less than twenty-five dollars, and be imprisoned in the county jail not more than ninety nor less than ten days.

What persons not entitled to registration.

Penalty for fraudulent registration.

RESIDENCE: The general act for the incorporation of cities of the fourth class provides that "the residence of any elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging." See section 484. Charters of other cities generally contain special provisions of a similar nature. See residence or domicile defined in Appeal of Rue High, 2 Doug. 523. The intention of the elector is one of the most important inquiries involved in the question of residence. A man may have a residence in one place, although his family may be living elsewhere, if such is his intention.—*Harbaugh v. Cicott*, 33/252. See further, as to intention, *Warren v. Registration Board*, 72/402; *Beecher v. Com. Council*, 114/228. As to students, persons in the public service, sailors and inmates of asylums, etc., see section 2. See, as to where the elector must vote, notes to section 1. As to change of

elector's residence by alteration of boundaries of representative districts. see notes to section 12.

REGISTRATION IN CITIES AFTER 1859.

Registration
in cities.

(88) § 3540. SEC. 5. On the second Saturday next preceding the general election, and on the seventh day (Sunday excepted) next preceding the day of any regular charter election, or any special election, and on such other days prior to such date as shall be appointed by the common council of the city, not exceeding three days in all previous to any such election, the boards of registration of the city, to be constituted as aforesaid, shall be in session at such places in the several wards as they shall designate in their notices, to be published and posted up as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each and every person then actually residing in the ward, and who, at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done in the manner above described; and such boards, and each member thereof, and each applicant for registration, is hereby vested and charged with the same rights, powers, duties and penal liabilities, touching the examination of applicants, as hereinbefore provided: Provided, That the provisions of this amendment shall not be applied to electors in the city of Detroit.

Proviso,
city of Detroit.

Am. 1901, Act 32; 1911, Act 97.

As to Detroit, see sections 3573-8, 3580-81, C. L., 1897.

The laws to regulate elections, and to preserve their purity, and to guard against abuses of the elective franchise, must be reasonable, uniform and impartial, and must be calculated to facilitate and secure, rather than to subvert and impede, the exercise of the right to vote.—Attorney General v. Detroit, 78/546. No registry law is valid which deprives an elector of his constitutional right to vote by any regulation with which it is impossible for him to comply.—Id. Requirements which compel a naturalized elector to produce his certificate, or show by evidence other than his own oath that such certificate was issued, make an unfair and unnecessary distinction between native born and naturalized electors.—Id.

QUALIFIED ELECTORS: See section 1 and notes thereto.

Notice to
be given.

(89) § 3541. SEC. 6. At least two weeks previous to the commencement of any such session, the board, at the expense of the city, shall cause a notice thereof to be printed and published in one or more newspapers in such city, designating the place of holding the same, and shall cause the same notice to be printed in handbill form, and posted up in at least ten conspicuous places in each ward; which handbill shall also contain a true copy of the list of names then appearing in the register for the ward. And immediately after the close of the polls of such election, the clerk of the board of inspectors of that election, and before the counting of the votes, shall, under the direction and by the assistance of the inspectors, insert and write upon or attach to such printed handbill, all the names of electors appearing on the register and not on such handbill, so that such handbill so corrected

What notice
shall contain.

Duty of
inspectors
of election.

shall be a true copy of the list then appearing in such register, and shall, with the inspectors, or a majority of them, certify and sign such copy, and file the same in the office of the county clerk, who shall carefully keep and preserve the same, and the same shall be evidence, prima facie, of the original; and in case of the loss or destruction of the original, the same, or a certified copy thereof, shall be used in its stead.

The law requires the registration and poll lists to be preserved and filed. They are, therefore, public records and admissible as evidence of the facts therein stated.—Att'y Gen. v. May, 97 / 574.

(90) § 3542. SEC. 7. At the close of their sessions, the board, or the members who made the registration in the particular ward, shall sign the list, adding the date of their signature, and shall immediately deposit the same for safe keeping with the city clerk, who shall carefully preserve the same in his office until delivered as hereinafter provided.

List of registration to be filed with the city clerk.

(91) § 3543. SEC. 8. At any such general, special or charter election in the city, and as soon, at least, as the poll in each ward is opened, the city clerk shall cause the proper register to be placed in the hands of the inspectors of election, to be used by them during the same, and returned to the city clerk immediately thereafter; and they shall not receive the vote of any person whose name is not written therein. But if any person shall offer and claim to vote at such election, whose name is not so registered, his name may be registered by the clerk of the election, under the direction of the inspectors, upon the same terms and conditions hereinafter prescribed for the like cases arising at elections in townships, substituting ward for township; and both the applicant and the qualified elector shall be subject to the same penalties prescribed in cases so arising.

List to be given to inspectors of election.

Names may be registered on the day of election.

The object of a registry law, or of any law to preserve the purity of the ballot box, and to guard against abuses of the elective franchise, is not to prevent any qualified elector from voting, or unnecessarily to hinder or impair his privilege.—Att'y Gen. v. Detroit, 78 / 546. A registration law is unreasonable which contains no provision by which an elector who is sick on the days fixed for registration can vote on election day.—Id. No elector can lose his right to vote, the highest exercise of the freeman's will, except by his own fault or negligence.—Id. In order to prevent fraud at the ballot box, it is proper and legal that all needful rules and regulations be made to that end; but it is not necessary that such rules and regulations shall be so unreasonable and restrictive as to exclude a large number of legal voters from exercising their franchise. The power of the legislature in such cases is limited to laws, regulating the enjoyment of the right, by facilitating its lawful exercise, and by preventing its abuse. The right to vote must not be impaired by the regulation. It must be regulation, not destruction.—Id.

REGISTRATION IN TOWNSHIPS.

(92) § 3544. SEC. 9. It shall be the duty of the board of registration in each township, to wit: The supervisor, treasurer and clerk thereof, and in case of the absence of any of them, or his inability to serve, the justice of the peace not holding the office of supervisor or town clerk, whose term of office will first expire, to provide, at the expense of the township, the like book for their township for the purposes of

Registration in townships; who to constitute the board.

Books of
registration,
how
arranged.

the like registration of the qualified electors thereof, to be arranged in the same manner, save that in cases where the elector does not reside within the limits of an incorporated village, a description of his residence may be omitted; but in case he resides within such limits and in the township, a description of his residence by the street, and the number of the dwelling, or other brief but intelligible method; and the names of such resident electors of the village, shall be written in said register in a list separate and distinct from those of other electors of the township, so as to exhibit a correct registration for the village; which list shall be called the village election register.

QUALIFIED ELECTORS: See section 1 and notes thereto. When a person is registered in a ward or precinct, he is presumed to be a legal voter there.—Harbaugh v. Clcott, 33/250.

REGISTRATION IN TOWNSHIPS IN 1859.

Proceedings
at township
elections in
1859.

(93) § 3545. SEC. 10. At the annual meeting of each township, on the first Monday of April, in the year one thousand eight hundred and fifty-nine, the township treasurer shall, at a place as near as practicable to that of the meeting, and of convenient access to the electors, have said book or register in readiness for the entry of their names, and each qualified elector residing in the township may then write his name at length in the proper place in said register, if able and willing to do so, or the treasurer shall, upon request made in his presence by the elector, personally, write the name of such elector in its proper place. And in all cases under this act the board, or the members thereof, receiving or making the entry of a name, shall note or cause to be noted the day and year thereof. During such township meeting, and during all future sessions of the board, the township poll list of the next preceding general election or township meeting, shall be before him or them for their better information in making the registration, to be returned to the clerk at the close of the meeting or the session. The supervisor or other person or persons charged by law with the assessment of property in the township for the purpose of state taxation, shall, while making such assessment, and in connection with the performance of that duty, in the year one thousand eight hundred and fifty-nine, have with him the said register, and shall allow each qualified elector residing in the township whose name has not been entered therein, to write the same, or shall himself, at the like personal request of the elector, write the same therein at the proper place, and shall, after completing his valuation of property, and on or before the first day fixed by law for reviewing his assessment, deposit said register with the township clerk, who shall carefully keep and preserve the same in his office.

Board to have
access to
township poll
list.

Supervisors
to register
names while
making
assessment.

Register to
be deposited
with town-
ship clerk.

(94) § 3546. SEC. 11. After the year one thousand eight hundred and fifty-nine, it shall be the right of any such qualified elector residing in the township, and entitled to vote at the next election therein, and whose name has not been registered, on any day except Sunday, the days of the session of the board of registration, and the days intervening between them and the next approaching election, to apply to the supervisor, township treasurer, or township clerk, in person, for the registration of his name, and if, upon such examination, as is required by the next following section of this act, the supervisor, treasurer, or clerk shall be satisfied that such applicant is a resident of the township, and otherwise qualified and entitled to vote in such township at the next election to be held therein, the name of such applicant shall be written, either by himself or by the supervisor, treasurer, or clerk, upon a separate paper to be kept by the supervisor, treasurer, or clerk, his residence described, and the date of the entry noted, as required in the two last preceding sections, which paper shall be laid before the board of registration of each township, at its next meeting for examination and review, and the names of such persons appearing thereon as the board shall be of opinion are qualified electors at the then next election, and entitled to vote thereat, may, by some member of the board, and under their direction, be entered in a proper register, in the manner above set forth, and every applicant to the supervisor, treasurer, or clerk, so causing his name to be entered upon such separate paper, knowing or having good reason to believe himself not to be such resident and qualified to vote in such township at the then next election, shall, upon conviction thereof, be punished by fine and imprisonment, as provided in the thirteenth section of this act.

Registration
after 1859,
how made.

Penalty for
fraudulent
registration.

REGISTRATION IN TOWNSHIPS AFTER 1859.

(95) § 3547. SEC. 12. On the second Saturday next preceding the general election and the annual township meeting, and preceding any special election, after the year eighteen hundred fifty-nine, the board of registration of each township shall be in session at the office of the township clerk, from nine o'clock in the forenoon until five o'clock in the afternoon, for the purpose of completing the list of qualified electors; during which session it shall be the right of each and every person who, at the next approaching election or township meeting, may be a qualified elector and entitled to vote thereat, and whose name is not already registered, to have his name duly entered on such register, which shall be done in the manner above set forth. The board shall have the power, and it shall be its duty, and the duty of the clerk, and of the supervisors individually when acting under this statute, to question every person presenting himself for registration, touching his residence and his other qualifications as an elec-

Townships.

Interpreter.

False
statement.

tor of the township, and it shall be the duty of the applicant to make truthful answers to all such questions. The board, supervisor, clerk or treasurer, as the case may be, may for the more perfect examination of the applicant swear and employ an interpreter truly and impartially to interpret such questions and answers. If any such applicant shall in his answers make any material statement which is false, he shall upon conviction thereof pay a fine of not more than one hundred dollars nor less than five dollars, and be imprisoned in the county jail not more than thirty nor less than five days.

Am. 1911, Act 97.
See People v. Bd. of Registration, 17 / 428; People v. Bd. of Registration, 15 / 156.

Who not
entitled to
registration.

(96) § 3548. SEC. 13. The name of no person but an actual resident of the township at the date of the registration, and entitled, under the constitution, if remaining such resident, to vote at the then next election or township meeting, shall be entered in the register. Neither the board, nor any member thereof, shall write or enter therein the name of any person, nor suffer him to write or enter his name therein, whom they know or have good reason to believe not to be such resident and so qualified; nor shall any person, knowing or having good reason to believe himself not to be such resident and so qualified, write his name therein; and every person so offending shall, upon conviction, pay for each offense a fine of not more than five hundred nor less than twenty-five dollars, and be imprisoned in the county jail not more than three months nor less than ten days.

Penalty for
fraudulent
registration.

QUALIFIED ELECTORS: See section 1 and notes thereto.
RESIDENCE: See note to section 87.

Township
clerk to de-
liver register
to inspectors
on day of
election.

(97) § 3549. SEC. 14. At such election or township meeting, and as soon, at least, as the poll is opened, the township clerk shall cause the register to be placed in the hands of the inspectors of the election, to be used by them during the election, and to be returned to the clerk immediately thereafter; and they shall not receive the vote of any person whose name is not written therein. But in case any person shall offer and claim the right to vote whose name is not so registered, his name may then be registered by the clerk, under the direction of the inspectors, upon the terms and conditions following: One of the inspectors shall administer to him an oath in the following form, viz.: You do solemnly swear that you will true answers make to such questions as shall be asked you touching your qualifications as an elector at this poll, so help you God; or an affirmation to the same effect, which oath or affirmation, if he be unable to understand the English language, may be interpreted to him by an inspector, or interpreter sworn by an inspector, which inter-

Names may
be registered
on election
day.

preter shall also interpret his answers to the inspectors. If in his answers on oath, he shall state positively that he has resided in the township ten days next preceding said election, designating, particularly, the place of his residence, and that he possesses the other qualifications of an elector under the constitution, stating such qualifications; and shall, furthermore, swear that, owing to the sickness or bodily infirmity of himself, or of some near relative residing in the same household (giving the name of said relative), or owing to his absence from the township on public or official business, or his own business, and without intent to avoid or delay his registration, during the then last session of the board, he has been prevented from causing his name to be previously registered; and if, furthermore, some qualified elector of the township, and not a candidate for any office at that election, shall take an oath before said inspectors, which oath any one of them may administer, that he is well acquainted with such applicant, that he has in fact resided in the township ten days previous to such election, and that he, the freeholder [qualified elector], has good reason to believe, and does believe, that all the statements of such applicant are true, the inspectors may, in their discretion, direct the clerk to register his name in the proper place, with the proper date; and if such applicant or such qualified elector shall, in said matter, wilfully make any false statement, he shall be deemed guilty of perjury, and, on conviction, be subject to the pains and penalties thereof.

Conditions of
such registra-
tion.

Penalty.

TEN DAYS: Now twenty. See section 1.

REGISTRATION ON ELECTION DAY: Where a person applies for registration on election day, the inspectors act upon discretion and are not compelled to admit a vote, unless satisfied of its legality. (Per Campbell, J.)—*People v. Cicott*, 16/302. If an elector is unable to attend the meetings of the board for certain specified reasons, he may be registered on election day upon taking the prescribed oath.—*Att'y Gen. v. McQuade*, 94/441.

(98) § 3550. SEC. 15. Any person offering to vote at any such election, in a city, township, or village, whose name is not written in the proper register, may be objected to, and his vote challenged for that cause by any elector present and entitled to vote at that poll; and on such challenge being made, the inspectors shall, if on inspection they find his name not so written in the proper register, refuse the vote. But nothing in this act contained shall be held or construed in any way to affect or impair the right of any inspector or elector to challenge any person offering to vote, nor the effect of such challenge, as now established by law, or as such right and such effect may hereafter be established: Provided, however, That the vote of no person shall be received whose name is not so registered.

Vote may be
challenged.

Proviso.

(99) § 3551. SEC. 16. Any person knowing that his name is not so registered, who shall vote or offer to vote at any such election, either in a city or township, and every inspector knowing such name not to be so registered, wilfully and corruptly consenting to receive such vote, shall, if the

Penalty for
illegal voting.

vote be received by reason of such consent, be, for every such offense, punished as above provided in section thirteen of this act; and on the trial of the person so voting or offering to vote, the presumption shall be that he knew his name was not so registered.

Actual residence a condition of registration.

Penalty.

(100) § 3552. SEC. 17. The name of no person shall be registered in any township or ward where he does not actually reside at the time of the registration; and every person who shall wilfully register, or cause or procure, by enticements or other means, the name of any person to be registered contrary to the provisions of this act, shall, upon conviction of any such offense, be also punished as above provided in section thirteen of this act.

DEATH AND REMOVAL OF ELECTORS.

Board to review and correct lists.

Provisions for a subsequent registration.

Conditions.

Penalty.

Penalty for false entry.

(101) § 3561. SEC. 18. At every session of the board of registration of any township or ward, after the year one thousand eight hundred and fifty-nine, it shall be their duty to review the list of names in their register, and if it shall have come to their knowledge that any person, whose name has been registered, has died, or has removed therefrom, and ceased to reside therein, they shall place the letter "D" against the name of the deceased person, and the letter "R" against the name of the person who has so removed, with the date of the entry, and the initials of the member making it, so as to show by whom and when made, and thereafter such name shall be considered and treated as no longer on the list, and shall be omitted in the copies above provided for. But if it shall happen that such entry was erroneously made, and such person shall thereafter appear at any election and claim the right to vote thereat, his name may, on his application, be again registered upon the following terms: He shall, upon his oath or affirmation, which any member of the board of inspectors or the board of registration may administer, declare that he has not removed from, but is still a resident of the township or ward, and is otherwise a qualified elector and entitled to vote; and on making such oath or affirmation, his name may be registered in the manner above described, either by the board of registration or the board of inspectors; and if such applicant shall swear or affirm falsely, he shall be subject to the pains and penalties of perjury. But in case such entry shall be made falsely, maliciously, and without credible information, the member of the board making it shall be deemed guilty of a misdemeanor, and punished as such, and the party aggrieved shall be entitled to recover of him in an action on the case, treble damages for the injury, and treble costs of suit in any court having jurisdiction of the cause, and the record of the defendant's conviction of the criminal offense, duly authenticated, shall be prima facie evidence of his liability.

(102) § 3562. SEC. 19. It shall be the duty of any city or township clerk, except during the session of the board, or on days of election, on the demand of any qualified elector of the ward in such city, or of such township, on payment or tender of his legal fees, to make out, certify, and at his office deliver to such elector a true copy of the contents of the register of election of such ward or township, for which he shall be entitled to receive at the rate of fifty cents for every one hundred names.

Copy of register furnished by township clerk.

(103) § 3563. SEC. 20. Whoever shall wilfully cut, burn, mutilate, or destroy any such register of electors, or copy thereof filed for preservation, or shall unlawfully take and carry away the same, or unlawfully conceal or refuse or neglect to surrender the same, with intent to prevent its being used as authorized by law, shall be deemed guilty of larceny; and whoever shall falsify any such register or copy by unlawfully erasing or obliterating any name or entry lawfully made therein, or by unlawfully inserting therein any name, note, or memorandum, with intent thereby to influence or affect the result of any election, or to defraud any person of an election to office, shall be deemed guilty of forgery; and the person so offending shall, for every such offense, be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year nor less than ninety days.

Destroyer, etc., of register, guilty of larceny.

Falsifier, etc., of register, guilty of forgery.

Penalty.

(104) § 3564. SEC. 21. To the end that the contents of such registers may not be lost, it shall be the duty of every township clerk, within twenty days after each general election, to make, certify, and transmit to the county clerk of the proper county, and also to the township treasurer, a true copy of such contents, to be by such county clerk and township treasurer filed and preserved in his office; for which, when received, he shall give such township clerk a receipt; and such township clerk shall be entitled to receive therefor, from the township, at the rate of fifty cents for every one hundred names. And such copy, or a copy thereof, certified by the county clerk or township treasurer, shall be prima facie evidence of the contents of the original, and in case of the loss or destruction of the original, shall be used in its stead.

Township clerk to file copies of register with county clerk and township treasurer.

Fees.

Certified copy to be evidence.

VILLAGE ELECTIONS.

(105) § 3565. SEC. 22. Whenever any village shall be set off, organized, or incorporated, by act of the legislature, or by the board of supervisors of any county, pursuant to the laws of this state, it shall be the duty of the persons named or appointed to act as inspectors of the first election to be held in such village, to procure from the clerk of the township or of the townships respectively, within which such village

Duty of inspectors.

Duty of township clerk.

Inspectors of election and applicants for registration.

When copies must be furnished.

Duty, etc., of president and trustees.

may wholly or in part lie; and it is hereby made the duty of the township clerk to furnish to them, at the expense of such village, from the register of the electors of the township or townships within which such village is situated, a true copy of the names of all the electors residing within the limits of such village, contained upon the registration books of such township or townships, for a village election register for such first election, such copy or list to be certified to by the clerk of the township, and to be delivered to the said inspectors of election appointed for such village, to be used for the purpose of such first village election, in the same manner and to the same effect as is above provided for the general election and township meetings in townships, as near as may be; and there are hereby given to the inspectors of any such village election, the same power and authority, and to applicants for registration the same rights and privileges, which are given to township inspectors, and to applicants at township elections respectively, at such elections; and such inspectors and applicants, and other persons mentioned in the foregoing provisions regulating elections in townships, are charged with the same duties, and subject to the same penalties and liabilities as are provided in like cases at such elections in townships; and the vote of no person shall be received at such election whose name is not written in such register, or in the copy thereof used by the inspectors of such first election. Such copy of the township election register for the use of such village election, shall be furnished at least ten days previous to the time fixed for holding such first village election, on the application of the persons named as such inspectors, or either of them; and if no persons are named as such inspectors, upon the written request of any three qualified electors in said village, to be delivered to the proper inspectors when appointed and chosen, and to be used as above specified and provided. It shall be the duty of the president and trustees of every village, after the same shall be fully organized, to conduct the registration of electors in such village for village elections, and for such purpose shall give at least ten days' notice, by publication in a public newspaper, or by posting notices in not less than six public places in said village, of the annual meeting of the village board of registration for such village; and on the Saturday next preceding the time specified for holding the annual village election, the president and trustees, or three of their number, shall meet as a board of registration for such village; and all the proceedings of such board shall be conducted, and the board shall possess and exercise the same duties and powers, and be subject to the same liabilities, and the electors shall be entitled to all the rights and privileges, in making such registration, as provided herein for registration in townships, as nearly as the same can be made applicable to such registration and election.

(106) § 3566. SEC. 23. If any person, falsely personat-
 ing any qualified elector, whose name is registered, shall, at
 any election, vote or offer to vote in the name of such elector,
 or if any person shall knowingly encourage or persuade any
 such person to vote or offer to vote, or if any person, assum-
 ing a false or fictitious name, shall vote or offer to vote by
 that name, or shall enter or cause to be entered upon the
 register as his own a false name, the person so offending
 shall, for every such offense, be punished as above provided
 in section twelve of this act.

Voting under
 assumed
 name.

Penalty.

(107) § 3567. SEC. 24. The recorder's court in the city
 of Detroit shall have cognizance and jurisdiction of all of-
 fenses under this act, committed within the limits of said
 city, and the offender may in all cases be there proceeded
 against by information, as provided by the charter of said
 city or any other statute applicable thereto. In all other
 cases the circuit or district court for the proper county shall
 have cognizance of such offenses committed within the county;
 and in cases where the punishment is by such fine or such
 imprisonment, one or both, as the justice's court may im-
 pose, the proper justice's court shall have cognizance and
 jurisdiction thereof.

What courts
 to have juris-
 diction, etc.

(108) § 3568. SEC. 25. Any willful violation of duty by
 any person charged with the execution of this act or any pro-
 vision thereof not herein particularly provided for, shall be
 deemed a misdemeanor, and the person guilty thereof shall
 be punished accordingly. And it is hereby made the duty of
 every circuit and district court, in its charge to the grand
 jury, to call their special attention to the necessity of making
 diligent and careful inquiry touching offenses arising under
 this act; and also the duty of every prosecuting attorney,
 whenever he shall receive credible information that any such
 offense has been committed, to cause the same to be prose-
 cuted.

Violation of
 duty a mis-
 demeanor.

Duties of cir-
 cuit and dis-
 trict courts
 and prosecu-
 ting attorney.

(109) § 3569. SEC. 26. It shall be the duty of every city
 clerk and township clerk, annually, in the month of Novem-
 ber, to forward by mail to the secretary of state of this state,
 at the seat of government, the aggregate number of names
 not marked with the letter "D" or "R," appearing in the reg-
 ister for such city or township, omitting the names. And the
 secretary of state is hereby required to keep a record thereof
 in such manner as to show the number of votes in such city
 and township, arranged in alphabetical order, in a book to
 be kept for that purpose. And he shall, within twenty days
 from the approval of this act by the governor, cause a printed
 copy of the same to be forwarded by mail to every such city
 and township clerk in the state.

City and town-
 ship clerks to
 report to
 secretary
 of state.

Duty of secre-
 tary of state.

(110) § 3570. SEC. 27. Each member of a city board of
 registration, while acting under this act, shall be entitled to
 receive two dollars a day for every day he shall actually
 serve in performing his duties, to be paid by the city. And

Compensa-
 tion.

each member of a township board shall receive the same compensation as now provided for inspectors of elections.

Oath.

(111) § 3571. SEC. 28. Each member of a board of registration shall, before he enters upon the discharge of his duties under this act, make and subscribe the oath of office contained in the first section of article eight of the constitution.

FORM OF OATH: Evidently means form specified in Art. XVI, section 2 of constitution, see section 73 of this compilation.

Registers, in what form arranged.

(112) § 3572. SEC. 29. Every register shall be of good paper, well bound, and arranged alphabetically in the following form, as near as practicable:

DATE.	NAME.	RESIDENCE.	REMARKS.
-------	-------	------------	----------

REGISTRATION IN WAYNE COUNTY.

Time for meeting of board in Wayne Co., outside Detroit, and duration of session.

(113) § 3579. SEC. 36. The boards of registration in each township, village, or city, respectively, in the county of Wayne, outside of the city of Detroit, shall cause a session of the said respective boards to be held on the first Monday in October, in the year eighteen hundred and seventy-two, and on the first Monday in October in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each town, village, city, ward, or election district therein. The said several respective boards shall be in session on the first Monday in October, aforesaid, and for not less than three nor more than six days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from two o'clock to five o'clock in the afternoon, and shall be provided with the proper blank books for registering the names of voters, of the form heretofore used, and shall have the same powers, and perform the same duties as are conferred upon or required of boards of registration under the act aforesaid and the acts amendatory thereto, and the same rules and requirements shall be observed in such re-registration, in all respects, as were required in the original registration under said act. When such registration shall be completed, the former registry of electors in such townships, cities, villages, or election districts shall henceforth be deemed invalid, and shall not be used at the ensuing elections, and no person shall vote at any public election in said towns, cities, or villages, after such re-registration, whose name shall not be registered anew under the provisions of this section, or be afterwards properly entered on such new registry according to the provisions of said act. The provisions concerning a re-registration in the city of Detroit shall apply to the aforesaid cities as far as the same may be adapted thereto.

When former registry shall be deemed invalid.

Registration in Detroit city, see sections 3573-8, 3580-81, C. L., 1897.

REGISTRATION IN NEW TOWNSHIPS.

An Act to provide for the registration of electors in new townships.

[Act 4, S. L., 1869.]

The People of the State of Michigan enact:

(114) § 3553. SECTION 1. That the persons named in the act erecting any new township, as inspectors of election, whether passed by the legislature of this state, or the board of supervisors of the proper county, shall constitute a board of registration for such new township, until such officers are elected and qualified as provided by law.

Inspectors to constitute a board of registration.

(115) § 3554. SEC. 2. Such inspectors shall meet in the capacity of such board of registration, on the Saturday next preceding the first township meeting in such new township, at the place mentioned in the act providing for the organization thereof, for holding such first township meeting, and shall be governed, in all respects, by the provisions of act number 177, of session laws of 1859, which pertain to registration of electors in townships, as far as the same are applicable, except as is hereinafter provided.

Meeting of board.

Act of 1859 to govern action.

The act referred to above precedes this act, see especially sections 92-100.

(116) § 3555. SEC. 3. The name of any person may be registered at such first township meeting, who shall make due proof, by his own oath, before the board of inspectors of such meeting, that he is possessed of the qualifications of an elector in such new township, under existing laws, other than that requiring registration.

Who may register.

(117) § 3556. SEC. 4. The members of such board of registration hereby created, shall elect one of their number chairman, and another clerk of said board, who shall respectively possess the same powers and perform the same duties which belong to and devolve upon the supervisor and township clerk, while acting on a board of registration in an organized township, as now provided by law.

Election of chairman and clerk.

Powers and duties of.

(118) § 3557. SEC. 5. In case one or more of the persons appointed as such inspectors of election hereinbefore mentioned shall, from any cause, fail to appear at the place specified for the holding of such first township meeting, to form a board of registration, as herein provided, such vacancy or vacancies on said board shall be filled from among the electors, by a majority vote of the electors present at the hour appointed for opening the session of said board.

Vacancies on board, how filled.

(119) § 3558. SEC. 6. It shall be the duty of such board of inspectors, or the surviving member or members thereof, in case of the decease or removal of one or more of the same, to give public notice of such meeting, for the purpose afore-

Notice of meeting, how given.

said, by causing a written or printed notice, which shall state the object of such meeting, the time when, and the place where the same is to be held, to be posted in five of the most public places in such new township at least fifteen days previous to the time of holding said meeting.

BOARDS OF REGISTRATION NOT TO MEET NEAR CERTAIN PLACES.

An Act to prohibit boards of registration from holding sessions in or near places where intoxicating liquors are sold or kept for sale, and to prescribe penalties for the violation of the provisions of this act.

[Act 23, P. A. 1889.]

The People of the State of Michigan enact:

Board of registration, where not to meet.

(120) § 3559. SECTION 1. That it shall be unlawful for the board of registration of any township, village or city in this state, or of any election district or voting precinct therein, to meet or hold any session for the purpose of registering the electors thereof, in any room or building where intoxicating liquors are sold or kept for sale, or any room adjacent to a room where such liquors are sold or kept for sale, or connected by hall or doorway with such room or saloon where intoxicating liquors are sold or kept for sale.

Violation a misdemeanor.

Punishment.

(121) § 3560. SEC. 2. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine not less than fifty nor more than two hundred dollars and the costs of his prosecution or by imprisonment in the county jail not less than thirty days nor more than six months, or both such fine and imprisonment in the discretion of the court.

CHAPTER III.—GENERAL AND SPECIAL ELECTIONS.

An Act to provide for holding general and special elections.

[Act 175, S. L. 1851.]

The People of the State of Michigan enact:

General election, when held.

(122) § 3595. SECTION 1. That a general election shall be held in the several townships and wards of this state, on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and fifty-two, and on the Tuesday succeeding the first Monday of November, every second year thereafter, at which there shall be elected so many of the fol-

lowing officers as are to be chosen in such years respectively, that is to say: A governor, lieutenant governor, secretary of state, state treasurer, auditor general, attorney general, superintendent of public instruction, commissioner of the state land office, members of the state board of education, electors of president and vice president of the United States, representatives in congress, the senators and representatives in the state legislature, and the following county officers, viz.: Judges of probate, sheriffs, clerks, treasurers, registers of deeds, prosecuting attorneys, and such other officers as may by law be required to be elected at such general election: **Proviso.** The provisions of this section shall not apply to the election of the senator and representatives in the state legislature, nor to the election of county officers, in that portion of the state denominated the upper peninsula, as described in section one, article nineteen, of the revised constitution, and such other territory as may be attached thereto for election purposes. On the first Tuesday of November, eighteen hundred and fifty-one, there shall be elected a governor and lieutenant governor, whose term of office shall commence on the first Monday of January, eighteen hundred and fifty-two, and who shall hold their respective offices until the first day of January, eighteen hundred and fifty-three, and until their successors are elected and qualified; which election shall be conducted in the manner provided by the constitution and laws in force on the thirty-first day of December, eighteen hundred and fifty; and the returns and canvass of votes given thereon shall be proceeded and determined in the same manner herein provided for the same officers to be elected at general biennial elections.

Officers to be elected.

Superintendent of public instruction and state board of education now elected at April election.

TOWNSHIPS: The townships in which elections are held must be organized townships.—People v. Maynard, 15/468. Nor can the election for a township be held within the corporate limits of a city located within such township.—People v. Knight, 13/424.

GENERAL ELECTION: The term "general election" means the biennial November election.—People v. Palmer, 91/286; Westinghausen v. People, 44/268; People v. Lord, 9/227. So far as the election of judge of probate is concerned an election at any other time must be regarded as a special election.—People v. Palmer, 91/286.

CONDUCT OF ELECTIONS: Statutory provisions prescribing the conduct of elections are to be regarded as directory only, except where they are of such a character that a failure to comply with them would have the effect to prevent or obstruct the complete expression of the popular will or the production of satisfactory evidence thereof.—People v. Clcott, 16/323 (Cooley, J.). See People v. Sackett, 14/320; Lindstrom v. Canvassers, 94/469. As to statutory provisions requiring notices of elections, see People v. Witherell, 14/48; People v. Hartwell, 12/508; Second v. Foutch, 44/92. Irregularities on the part of election officers do not necessarily defeat the election, but may require it to be subjected to rigid scrutiny.—People v. Sackett, 14/320. An election is not to be set aside because of an irregularity, unless it appears that that irregularity affected the result.—People v. Clcott, 16/324 (Cooley, J.). Even where the statutory provisions disregarded are mandatory, the irregularity does not necessarily defeat the election, if the means exist of determining the result.—Id.; People v. Van Cleve, 1/362; People v. Higgins, 3/233; People v. Bates, 11/362; Keeler v. Robertson, 27/116. Illegal votes will not be allowed to affect the result, except where it can be shown for whom they voted.—People v. Clcott, 16/283. As to irregular adjournment of the election from one place to another, see Farrington v. Turner, 53/27. As to certain other irregularities, see People v. Avery, 102/572.

UPPER PENINSULA: The proviso was enacted when the constitution

provided for elections in the upper peninsula on the last Tuesday of September. But the constitution now makes no distinction between the two peninsulas as to date of election.

In what cases special elections may be held.

(123) § 3596. SEC. 2. Special elections may be held in the following cases, and for the election of the following officers, viz.:

1. When a vacancy shall occur in the office of senator or representative in the state legislature, representative in congress, judge of the circuit or district court, regent of the university, or member of the state board of education;

2. When there has been no choice at a general election of representative in congress;

3. When the right of office of a person elected to any of the aforesaid district or county offices shall cease before the commencement of the term of service for which he shall have been elected;

4. When a vacancy shall occur in either of the said county offices after the commencement of the term of service, and more than six months before the next general election;

5. When, in any other case of a vacancy not particularly provided for in this section, the governor shall, in his discretion, so direct.

SUBDIVISION 3: The death of an officer elect before qualification and before the expiration of the term of the incumbent, creates no vacancy to be filled by appointment, but the full term must be filled by special election under this subdivision.—*Lawrence v. Hanley*, 84/399; *People v. Lord*, 9/227.

SUBDIVISION 4: *People v. Palmer*, 91/286. Filling vacancies in office of county clerk.—Section 450. Register of deeds.—Sections 414, 450. County treasurer.—Section 406. Sheriff, coroner and county surveyor.—Section 450.

When vacancies may be filled at general elections.

(124) § 3597. SEC. 3. A vacancy in either of the offices named in the first section of this act, which shall not have been supplied before a general election, may be supplied at such election.

This section is merely permissive.—*Secord v. Foutch*, 44/92. See annotations under section 131 infra.

When special elections not to be held.

(125) § 3598. SEC. 4. No special election shall be held within three months next preceding a general election, except in cases where the governor shall order a special election.

When to be ordered by board of supervisors.

(126) § 3599. SEC. 5. Special elections for the choice of the county officers named in section one of this act shall, except in cases in which a special election is to be ordered, by the governor, be ordered by the board of supervisors.

Lawrence v. Hanley, 84/404; *People v. Palmer*, 91/287.

To be held one day only.

(127) § 3600. SEC. 6. Special elections shall be held and continued one day only, and shall be conducted, and the result thereof canvassed and certified in all respects, as near as may be, in like manner as general elections, except as otherwise directed.

(128) § 3601. SEC. 7. In elections for the choice of all officers named in the first section of this act, the persons having the greatest number of votes shall be deemed to have been duly elected. Persons deemed elected.

PLURALITY ELECTS: In general elections in this state we have adopted, and constantly act upon, the principle that plurality elects, and whenever, as, in some cases, in the board of supervisors and some municipal charters, a majority of the body voting is required, it is especially stated in the law.—Conrad v. Stone, 78/639.

(129) § 3602. SEC. 8. Whenever the time fixed by the law of congress, for the election of electors of president and vice president of the United States, shall not occur on the day appointed for holding the general election, such election for electors of president and vice president shall be held on the day so fixed by the law of congress therefor. Election of electors of president and vice president.

(130) § 3603. SEC. 9. All the provisions of law relating to the notifying and holding of the general elections, and the election of electors of president and vice president thereat, shall apply to every such election held pursuant to the provisions of the preceding section; and the votes given for such electors shall be returned and canvassed, and the result determined in the same manner in all respects, and with the like effect, as in case of the election of such electors at a general election. Idem.

NOTIFICATION OF ELECTIONS.

(131) § 3604. SEC. 10. When a vacancy shall occur in the office of judge of the supreme court, of judge of the circuit court, regent of the university, or member of the state board of education, thirty days or more before a general election, the secretary of state shall, at least twenty days before such election, cause a written notice to be sent to the sheriff of each of the counties within the election district in which such vacancy may occur, which notice shall state in which office the vacancy occurred, and that such vacancy will be supplied at the next general election. Secretary of state to give notice of election to fill vacancy.

NOTICE: The authorities are uniform that the neglect of the secretary of state, or of the sheriff, or of both of them, to give these notices, would not invalidate an election of persons receiving the highest number of votes for any office for which the regular term was by law to be filled at a general election.—*Adsit v. Sec'y of State*, 84/425; *Att'y Gen. v. Canvassers*, 64/609; *Powell v. Com. Council*, 51/129; *People v. Witherell*, 14/48; *People v. Hartwell*, 12/508. The notice required by the statute in such case is deemed directory and not mandatory. The right and duty to hold the election is derived from the law and not from the notice.—*Adsit v. Sec'y of State*, 84/425; *Lindstrom v. Canvassers*, 94/470. But an election to fill a vacancy, of which no notice was given, and which was in fact known to but few of the voters, is void. But though the official notice was not given, or, if given, not in the prescribed form, yet, if the election has been held, and the great body of the voters had notice in fact of the vacancy, this, coupled with the fact that they are presumed to know that the law requires the vacancy to be filled at the next election, is sufficient, even though many refrained from voting because of a difference in the construction of the law.—*Adsit v. Sec'y of State*, 84/427. See *Secord v. Foutch*, 44/89. The question to be considered in these cases is whether the want of the statutory notice has resulted in depriving sufficient electors of the opportunity of voting to change the result of the election; and the election should not be set aside when it is apparent that the result would not have been different had all the electors voted.—*Adsit v. Sec'y of State*, 84/420.

Of general
elections.

(132) § 3605. SEC. 11. The secretary of state shall, between the first day of July and the first day of September preceding a general election, direct and cause to be delivered to the sheriff of each county in this state, a notice, in writing, that at the next general election there will be chosen as many of the following officers as are to be elected at such general election, viz.: A governor, lieutenant governor, secretary of state, state treasurer, auditor general, attorney general, superintendent of public instruction, commissioner of the state land office, members of the state board of education, electors of president and vice president of the United States, and a representative in congress for the district to which each of such counties shall belong.

McPherson v. Sec'y of State, 92 / 392.

The constitution, Art. XI, now requires that the superintendent of public instruction and members of the state board of education be elected at the April election, see sections 66, 69, 466, 467.

Of elections of
senators and
representa-
tives.

(133) § 3606. SEC. 12. He shall also, between the first day of July and first day of September preceding such election, direct and cause to be delivered to the sheriff of each county a notice in writing, stating the number of senators and representatives to be elected in such county, specifying the number of each district, and the limits of such district, when the county alone does not constitute a senatorial or representative district or districts.

See note to section 131.

Of special
elections.

(134) § 3607. SEC. 13. Whenever a special election shall be ordered by the governor to fill any vacancy, the secretary of state shall immediately notify the sheriff of each of the counties embraced in said election district, of the time of holding such election, the cause of such vacancy, the name of the officer, and the time when his term of office will expire.

See note to section 131.

Duty of board
of supervisors.

(135) § 3608. SEC. 14. When the board of supervisors of a county shall order a special election to fill a vacancy in any office, such order shall be in writing and signed by the chairman and clerk of the board, and shall specify how the vacancy occurred; the name of the officer in whose office it occurred; the time when his term of office will expire, and the day on which such special election shall be held, not being more than forty nor less than thirty days from the making of such order; and such clerk shall, without delay, cause a copy of such order to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward of any city in the county.

Secord v. Foutch, 44 / 89; People v. Palmer, 91 / 287.

(136) § 3609. SEC. 15. The sheriff, on receiving either of the notices directed in this act to be sent to him, shall forthwith cause a notice in writing to be delivered to the township clerk in each township, and to one of the inspectors of election in each ward in any city of his county, which notice shall contain in substance the notices so received by such sheriff; but if such county shall be divided into two or more senatorial or representative districts, then such notice, so far as it relates to the election of senators or representatives, shall be delivered to the proper officer in each township or ward in each respective district.

Duty of sheriff on receiving notice.

See note to section 131.

(137) § 3610. SEC. 16. He shall also give at least twenty days' notice in writing, to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward in any city in his county, of the holding of each general election, for the choice of county officers, designating the officers to be chosen at each and every such election.

Idem.

(138) § 3611. SEC. 17. The township clerk or inspector of elections, receiving either of the notices directed in this act to be delivered to him, shall, by notice in writing, under his hand, give at least ten days' notice of the time and place at which such election is to be held, and the officers to be chosen, which election shall be held at the place of holding the last preceding township meeting, or at such other place in the township as the township board of such township shall prescribe; and if the notice is of a general election, at which a vacancy is to be filled, it shall state the name of the person in whose office the vacancy shall have occurred, and that such vacancy will be supplied at such election; and such township clerk or inspector shall cause such notices to be posted up in at least three of the most public places in the said township or ward.

Duty of township clerk or inspector on receiving notice.

Sections 18-41 of this act were superseded by the act of 1891 immediately following.

MANNER OF CONDUCTING GENERAL ELECTIONS.

An Act to prescribe the manner of conducting and to prevent fraud and [deception] deceptions at elections in this state.

[Act 190, P. A. 1891, as amended.]

The People of the State of Michigan enact:

(139) § 3612. SECTION 1. That at all elections at which any presidential elector, member of congress, member of the legislature, state or county officer or circuit judge is to be elected, or any amendments to the constitution, the super-

Inspectors of election, who to constitute.

visor, two justices of the peace, not holding the office of supervisor or township clerk, whose term of office will first expire and the township clerk of each township, and the assessor, if there be one, an alderman of each ward in a city shall be the inspectors of election: Provided, That in all voting precincts where by special enactment, provisions exist for designating inspectors of election said provisions are not to be superseded, but such officers shall be the inspectors of election under this act: And provided further, That no person shall act as such inspector, who is a candidate for any office to be elected by ballot, at said election.

Proviso.

Further proviso.

DESIGN OF ACT: This act is designed to secure absolute secrecy to the elector and thus prevent all opportunity for corrupt practices.—Att'y Gen. v. McQuade, 94/443; Att'y Gen. v. May, 99/544. It was passed to preserve the purity of elections and, although it may result in some inconvenience to the voter, the restrictions placed upon the manner of voting and the regulations, under which votes may be received and placed in the ballot boxes, are within the province of the legislature.—Att'y Gen. v. May, 99/547. This statute supplanted a law which permitted a voter to vote openly any ballot that he might choose.—Att'y Gen. v. Stillson, 108/422.

COUNTY OFFICER: CIRCUIT JUDGE: Special elections for judges or county officers are apparently covered by this section and call for the action of the county commissioners provided for in section 147.—Peck v. Supervisors, 102/355.

CONSTITUTIONAL AMENDMENTS: Under Const. xvii, 1, such amendments may be submitted at spring elections. In such case the ballots must be prepared by the county commissioners and may be separate and be cast in a separate box, from those for township officers.—Peck v. Supervisors, 102/355.

When inspectors to be chosen viva voce.

(140) § 3613. SEC. 2. In case four inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election the electors present may choose, viva voce, such number of said electors as, with the inspector or inspectors present, shall constitute a board of four in number; and such electors so chosen, shall be inspectors of that election, during the continuance thereof.

Clerks of election.

(141) § 3614. SEC. 3. In townships, the township clerk, if present, shall act as clerk of the election, and before the opening of the polls, the inspectors in each township shall appoint an elector to be a second clerk of the election; and if the township clerk shall not be present, the board shall appoint two such clerks, and the inspectors in each ward or voting precinct in a city shall designate one of their number to act as clerk and shall appoint one other elector as second clerk; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer.

Oath of office.

When voting precincts may be divided.

(142) § 3615. SEC. 4. When any election district or voting precinct shall contain over three hundred electors, according to the poll list of the last preceding general election, the township board in townships and the city council in cities may, in their discretion, divide such voting precincts into two or more election districts. In case of townships and incorporated villages so divided, the provisions of chapter eight of Howell's annotated statutes shall apply to and govern all proceedings hereunder, with reference to such division, boards of registration, election inspectors and all matters

What to govern proceedings.

arising therefrom not provided for by this act. In cities where no special provisions exist relative thereto, such division and all matters arising therefrom, not covered by the provisions of this act, shall be provided for by ordinance of the common council of said city, and it is hereby made the duty of such common council to make all necessary rules and regulations in connection therewith to fully carry out the provisions of this section.

When common council to provide for by ordinance.

Conely v. Common Council, 93 / 446.

(143) § 3616. SEC. 5. On the day of election the polls thereof shall be open at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day and no longer; but in townships the board may adjourn the polls at twelve o'clock, noon, for one hour, in its discretion. The inspectors shall cause proclamation to be made upon opening the polls and cause proclamation to be made of the closing of the polls, one hour, thirty minutes and fifteen minutes, respectively, before closing thereof: Provided, That in counties where all the voting precincts in the county use voting machines, the polls in such counties shall be continued open until seven p. m. of the same day and no longer.

Polls, when open.

Proclamation.

Proviso, voting machines.

Am. 1911, Act 60.
As to irregularities in opening and closing the polls, see People v. Cicott, 16 / 305, 324.

(144) § 3617. SEC. 6. There shall be provided and kept by the township clerk in each township at the expense of such township, and in each ward or voting precinct of any city by the city clerk or recorder at the expense of the city, one or more suitable ballot boxes, with lock and key, which ballot-box shall have an opening through the lid of the proper size to admit a single closed ballot, through which each ballot received shall be passed into the box. He shall also furnish a township or ward election seal, which shall contain the name of the township or ward and the words "election seal" around the margin thereof, and such other words or device thereon as the township board of the township or common council of the city may prescribe.

Of ballot boxes.

Election seal.

BALLOT BOXES: The law contemplates that, where state or county measures, or state or county officers to be elected by reason of a vacancy, are to be voted upon, the county commissioners may act; and in such case, the ballot may be separate from the ballot containing the tickets for township officers and separate ballot boxes may be used, for the furnishing of which this section provides.—Peck v. Supervisors, 102 / 356.

(145) § 3618. SEC. 7. Before opening the poll, the ballot box shall be examined, and the contents, if any, removed therefrom; it shall then be locked, and the key thereof delivered to one of the inspectors, to be designated by the board. The said box shall not be opened during the election, except as provided by law in case of adjournments.

Care of box, key, etc.

Chairman of board.	(146) § 3619. SEC. 8. When the supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall designate, shall be chairman.
Board of election commissioners.	(147) § 3620. SEC. 9. In each county of the state the judge of probate, county clerk and county treasurer shall constitute a board of election commissioners, two of whom shall constitute a quorum and of which board the judge of probate shall be chairman and the county clerk shall be secretary:
Proviso.	Provided, That in the counties of Kent and Wayne, the board of county canvassers, together with the county clerk, who shall not be entitled to vote on said board, shall constitute a board of election commissioners, two of whom shall constitute a quorum. In the counties last above specifically mentioned, the chairman of said board of county canvassers shall be chairman of the board of election commissioners, and the county clerk shall act as clerk of said board, but in the event of his unavoidable absence the board may select one of his deputies to act in his stead, and in case of a vacancy in said board of county canvassers, acting as a board of election commissioners, the members of the board who are present may fill said vacancy. When the said board of election commissioners is made up of the board of county canvassers the members of said board shall receive the same compensation as they are entitled to by law for their services when acting as a board of county canvassers. It shall be the duty of said board to prepare a sufficient number of ballots, at least two to each elector, according to the vote at the last preceding general election, for election of all officers for whom the electors are entitled to vote, and for all proposed constitutional amendments or other questions to be submitted to the electors for popular vote in compliance with the provisions of law.
Compensation.	
Number of ballots.	

Am. 1907, Act 189; 1911, Act 158.

OTHER QUESTIONS: There may be occasion for the action of county boards of election commissioners in cases not covered by section one of this act. Such a case occurs upon the submission of the question of the removal of the county seat.—Peck v. Supervisors, 102/355.

CONSTITUTIONAL AMENDMENTS: Act to secure publicity of amendments to the constitution, see sections 583-4 infra.

Board of election commissioners, duty of.	(148) § 3621. SEC. 10. The said board of election commissioners shall cause to be printed on the ballot or ballot label or slips to be placed on a voting machine when used, the names of the candidates nominated by the regularly called conventions or primary election of any party, and it shall be the duty of the state, district or county committee of each political party to forward to the chairman of the said board of election commissioners of each county in the state, not less than twenty days prior to any such election, a copy of the vignette adopted by them and the names of all candidates nominated at any regularly called convention or primary at which candidates for any of the offices mentioned in section one of this act shall be nominated, and no other names, unless authorized and instructed by said convention, except that in
State, district or county committees.	

the county of Wayne such county and district committees shall perform such duty not less than ten days prior to any such election. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective committees: Provided, That it shall be unlawful for said board of election commissioners to cause to be printed or placed in more than one column on the ballot or voting machine the name of any candidate who shall have received the nomination by two or more parties or political organizations for the same office. Any person so receiving the nomination for the same office by two or more parties or political organizations shall, within five days after his name has been certified to said election commission as having been nominated by two or more political parties for the same office, give notice to the board of election commissioners of each county in the state, if said nomination be for a state office, and to the board of election commissioners of each county in the district, if said nomination be for a congressional, judicial or legislative office, and to the board of election commissioners of the county, if such nomination be for a county office, specifying in such notice the column of which party or political organization on the ballot or voting machine he wishes his name to be printed or placed, and said board of election commissioners shall print or place the name of such candidate in such column on the ballot or voting machine so specified by him, and in no other column. Such notice shall be given to said election commissioners by delivering the same either in person or by depositing the same in the post office in a sealed envelope with postage prepaid, directed to the chairman of such board of election commissioners at the county seat of the respective counties, except that in the county of Wayne such notice shall be given by a nominee for a county, judicial or legislative office within said county, within three days after his name has been so certified as having been nominated by two or more political parties: Provided, That in case any such candidate so nominated by two or more parties or political organizations for the same office, and whose name shall have been certified by the chairman and secretary of the committees of such parties or political organizations to the said board of election commissioners within the time and as above provided, shall refuse or neglect to give notice to said board of election commissioners as above provided, and within the time above named, specifying in which column on the ballot or voting machine he wishes his name to be printed, then and in such case said board of election commissioners shall cause his name to be printed or placed in the column of the party or political organization, from the chairman and secretary of whose committee said board of election commissioners shall have first received notice of such person's nomination for said office, and said board of election commissioners shall not cause the name of such person to be printed on

Wayne county committees.

Who to certify names.

Proviso as to printing of names.

Nominee of two parties to specify choice.

Notice, how given

In Wayne county.

Proviso, when candidate fails to give notice.

Column, where name printed.

Districts
affected.

Not to conflict
with certain
act.

the ballot or placed on the voting machine as a candidate for the same office in any other column. All the provisions of this section shall apply to all city, village and township elections held in this state, except that the notice herein required to be given by a candidate shall be given by him to the proper board of election commissioners within two days after his name has been so certified as nominated by two or more political parties for the same office, but this section shall not be construed as conflicting with act number one hundred ninety-four of the public acts of eighteen hundred ninety-one.

Am. 1905, Act 25; 1909, Act 302.

Act 194 of 1891 is sections 229-231 of this compilation.

NOMINATED BY CONVENTION: A candidate ought to be placed in nomination by the electors and represent a respectable portion thereof, in order to entitle him to have his name printed upon the ballot. Any one has the right to announce himself as a candidate, but the ballot cannot be filled with the names of independent candidates. Every one has the right to be voted for upon the ballot; but, where he is not the nominee of a convention, a person can be voted for only in the blank left on the ballot for such purpose.—*Chateau v. Jacob*, 88/171. See, also, *Bragdon v. Navarre*, 102/259; *Stephenson v. Election Com'rs*, 118/416.

VIGNETTE: But one vignette is provided for, but the placing of a separate vignette at the head of the county ticket, while an irregularity, is not fatal. A voter cannot be disfranchised, nor a candidate who is not shown to have participated in any fraud, be defeated of his election, by such an irregularity.—*Lindstrom v. Canvassers*, 94/467. Where the vignette adopted combines with it the name of the party or political organization represented by the committee forwarding it to the commissioners, it is unnecessary to put another heading below it.—*Shields v. Jacob*, 88/164.

See *Baker v. Election Com'rs*, 110/635.

Vignette pro-
vided for.

Size of.

Proof copy to
be filed.

(149) § 3622. SEC. 11. It shall hereafter be the duty of the state committee of any political party or organization in this state, before each election, to prepare and adopt, by engraving or otherwise, a vignette, to be printed at the top of the column of such ballot assigned to such party, as a distinctive and characteristic heading thereto; such vignette shall not be more than one inch and a half square, and in addition to the device adopted, shall set forth legibly the name of such party. A proof copy of the ballot shall be placed on file at the office of the county clerk of each county by the board of election commissioners and be open for inspection by the candidates named thereon and by the chairman of each committee furnishing the names of candidates thereon, but by no other person, at least ten days prior to each election, except in the county of Wayne, where such copy shall be on file at least six days prior to each election. And it shall be the duty of the board of election commissioners to correct such errors as may be found therein by such inspection.

VIGNETTE: See note to preceding section.

PROOF COPY: The failure to have the proof copy of the ballot on file for inspection, at least ten days, is an irregularity which will not disfranchise a voter, or deprive a candidate of his election, if not shown to have participated in any fraud.—*Lindstrom v. Canvassers*, 94/467.

Impression of
vignette to
be filed.

(150) § 3623. SEC. 12. When such vignette and heading shall have been adopted and prepared, an impression of the same, followed by the names of the candidates nominated at, or by the direction of the regularly called convention, printed and sealed up in an envelope, shall be filed by the re-

spective committees with the county clerk of the county where such election is to be held, and with the secretary of state, at least twenty days prior to such election, except in the county of Wayne, where such duties shall be performed by the respective committees at least ten days prior to such election. Such lists shall be kept by the secretary of state and said county clerk on deposit, and from the time of said filing it shall be unlawful for any person to imitate, copy or in any manner counterfeit the same, or change the name of the candidate of such regular convention, except as herein provided, or by authority of such convention. Such vignette and heading shall remain as the heading for the column of such party organization on the ballots of all elections until changed by the proper committee, and notice thereof shall have been given to such county clerks and secretary of state. It shall be the duty of the board of election commissioners to provide, at the expense of the county, a sufficient number of cuts of the several vignettes provided for in this act, from which to print the necessary number of ballots to be distributed by them.

Unlawful to imitate, copy or counterfeit.

Board to provide cuts.

(151) § 3624. SEC. 13. Whenever a proposed constitutional amendment or other question is to be submitted to the electors of the state for popular vote the secretary of state shall duly and not less than fifteen days before election, certify the same to the clerk of each county in the state.

Secretary of state to certify amendments.

CONSTITUTIONAL AMENDMENTS: For an act to secure greater publicity for amendments to the constitution, see sections 583-4.

(152) § 3625. SEC. 14. The board of election commissioners in each county shall cause the names of all candidates for the various offices mentioned in section one of this act to be voted for at any election held pursuant to the provisions of this act, to be printed on one ballot, all nominations of any party to be placed in a separate column under the title and device of such party as designated in its certificate, with the name of each candidate opposite the name of the office for which he was certified to have been nominated. At the general election held in November the names of the several offices to be voted for shall be placed on the ballot in the following order: Electors of president and vice president of the United States, governor, lieutenant governor, secretary of state, state treasurer, auditor general, attorney general, superintendent of public instruction, commissioner of the state land office, member of the state board of education, representative in congress, senator and representatives in the state legislature, judge of probate, sheriff, clerk, treasurer, register of deeds, prosecuting attorney, auditor in counties electing an auditor, circuit court commissioners, coroners, surveyor. At the general election held in April the order shall be justice of the supreme court, regents of the university, circuit judge, county commissioner of schools. At any election to fill vacancy, the office to be voted for shall be

Printing of names on ballots, etc.

Name of office.

Order of placement for November election.

April election.

placed in the appropriate place on the ballot, regard being had to its being a state, congressional, legislative, or county office. The tickets of the party having the greatest number of votes within the state at the last preceding presidential election as shown by the votes cast thereat for electors of president and vice president shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. The ballots shall be of uniform size and of the same quality and color of white paper, and sufficiently thick that the printing cannot be distinguished from the back and the ballots in each election district shall be numbered consecutively on the upper right-hand corner of the front side thereof, and no two ballots of the same kind in the same township or election district shall have the same number; such corner containing said number shall be perforated diagonally across the corner of the ballots, so that it can be handily torn off as hereinafter provided, before such ballot is deposited in the ballot box. The arrangement of the ballot shall conform as nearly as possible to the following plan, and shall contain the specific instructions therein set forth, and no others:

Party tickets.

Ballots to be uniform size.

Plan of ballot.

OFFICIAL BALLOT.

(Instructions.) In all cases make a cross (X) in the circle (O) under the name of your party at the head of the ballot. If you desire to vote a straight ticket, nothing further need be done. Where only one candidate is to be elected to any office, and you desire to vote for a candidate not on your party ticket, make a cross (X) in the square [] before the name of the candidate for whom you desire to vote on the other ticket. Where two or more candidates are to be elected to the same office, and you desire to vote for candidates on different tickets for such office, make a cross (X) in the square [] before the name of the candidates for whom you desire to vote on the other ticket; also erase an equal number of names of candidates on your party ticket for the same office for whom you do not desire to vote. If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials of the inspector may be seen on the outside.

<p>NAMES OF OFFICES VOTED FOR.</p>	<p>Vignette with Name of Party. O</p>	<p>Vignette with Name of Party. O</p>	<p>Vignette with Name of Party. O</p>
<p>PRESIDENTIAL. <i>Electors of President and Vice-President.</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p>STATE. <i>Governor</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p><i>Lieutenant Governor</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p><i>Secretary of State</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p><i>Representative in Congress, District</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p>LEGISLATIVE. <i>Senator</i> <i>District</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p><i>Representative</i> <i>District</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p>COUNTY. <i>Judge of Probate</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p><i>Sheriff</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.
<p><i>Clerk</i></p>	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.	<input type="checkbox"/> Name of candidate.

Am. 1901, Act 214.

OFFICIAL BALLOT: As to printing names on ballots and the preparation of the tickets, see notes to section 148. The provisions of this section as to arranging the tickets on the ballots are not merely directory, but must be observed in making up the ballot.—*Baker v. Elec. Com'rs*, 110/635. A spring election held not a general election in determining the right to place a ticket in the first column of an official ballot.—*Edgar v. Bd. of Elec. Com'rs*, 118/418. See *Stephenson v. Bd. Elec. Com'rs*, 118/396.

INSTRUCTIONS: In a village election, notices in the nature of instructions to the voter, were posted, but followed the form originally prescribed in 1891, and were not in exact conformity with the amendatory law of 1893. This was held to be an irregularity, which was not fatal to the election.—*People v. Avery*, 102/573.

BALLOT: All votes must be given by ballot.—Const. III, 7. Under the old law it was held that the designation of the person voted for by the initials of his name is not sufficient, for no other evidence than the ballot is receivable to show the voter's intention. A vote for J. A. Dyer does not show an intention to vote for James A. Dyer and cannot be counted for him.—*People v. Tisdale*, 1 Doug. 59; *People v. Higgins*, 3/233; *People v. Cicott*, 16/283; *People v. McNeal*, 63/294. An error in spelling a name, if it does not change the sound, will not prevent the ballot from being counted for the person evidently intended.—*People v. Tisdale*, 1 Doug. 65. "Flnegan" may be counted for "Finnegan".—*People v. Mayworm*, 5/149. Where a part of the surname has been omitted, it cannot be counted as if it were perfect, unless it is idem sonans.—*People v. Cicott*, 16/307. But a well known abbreviation, as Geo. for George, or Thos. for Thomas may be used and counted according to the evident intention of the voter.—*People v. Tisdale*, 1 Doug. 65. Poor handwriting may be fatal; a written ballot for Toley was not allowed to be counted for Tobey.—*People v. McNeal*, 63/294. But ballots for John Jochim were counted for John W. Jochim, it not appearing that there was any other John Jochim within the district.—*People v. Kennedy*, 37/67. The omission of the word "for" before the name of the office is immaterial, and the name of the office may be abbreviated, if it is unequivocal.—*People v. Cicott*, 16/307. When an act authorizes the submission of a question to the people without prescribing the form of the ballot, it is necessary that the voter's ballot should show that the specific question contemplated by the act was passed upon.—*People v. Woodhull*, 14/28.

In case of death of candidate.

Pasters to be provided.

In case a name has been omitted.

Change in ballots on death, removal or resignation of candidate.

(153) § 3626. SEC. 15. In case of the death, removal or withdrawal of any candidate after the printing of such ballot, and before such election, the chairman of the state, district or county committee of the political party to which such candidate belongs shall transmit to the chairman of the board of election commissioners the name of the person selected by such party to fill such vacancy, and said board shall provide the election board of each precinct, in which such candidate is to be voted for, with a number of pasters containing only the name of such new candidate, at least equal to the number of ballots provided for such precinct, but no pasters shall be given to, or received by any one, except such election board and such chairman, and it shall be the duty of the chairman of the board of inspectors of election to put one of such pasters in a careful and proper manner, in the proper place on each ballot before it shall be given to any elector for the purpose of voting, and in case the name of any candidate regularly certified to said board of election commissioners shall have been omitted from such ballots, said board of election commissioners shall furnish pasters containing the name of such candidate and the same shall be placed upon the ballots as herein provided in the case of a candidate selected to fill a vacancy. In case of such death, removal or resignation before the printing of such ballots, the name of the person selected in the place of such candidate shall be communicated by the proper committee to the political organization to which such candidate belonged, and the

necessary change in such ballot shall be made by the board.

(154) § 3627. SEC. 16. It shall not be lawful for the printer of such ballots or any other person to give, or deliver to, or knowingly permit to be taken, any of said ballots, by any person other than the board of election commissioners, for which such ballots are being printed, or to print, or cause or permit to be printed, any ballot in any other form than the one prescribed by this act, or with any other name thereon, or with the names misspelled, or the names or devices thereon arranged in any other way than that authorized and directed by the said board of election commissioners: *Provided*, That it shall and may be lawful for the chairman of committees, and candidates named on the official ballot to procure any number of fac similes of the ticket to be printed on red, yellow or blue paper and to circulate the same for the purpose of the instructions of voters; and said colored ballot to have printed at the head the words "Instruction Ballot."

Unlawful to use other than official ballot.

Provido.

(155) § 3628. SEC. 17. It shall be the duty of the board of election commissioners of each county to provide and enclose in each package of official ballots to be delivered to some member of the board of election inspectors of each voting precinct as hereinafter provided, as many black or blue lead pencils, to be attached with strings or in other suitable manner to the booth, as may be necessary, at least three black or blue lead pencils being furnished for every booth erected as hereinafter provided. And the board of election commissioners of each county shall audit and issue their warrants for the same, which shall be paid by the county treasurer out of the general fund of the county.

Board of election commissioners to furnish pencils.

Section 18 is repealed by Act 266 of 1897.

(156) § 3629. SEC. 19. It shall be the duty of the chairman of the board of election inspectors of each voting precinct in each county, or in case he cannot attend, some other member of such board, authorized in writing by the said chairman, to appear at the office of the county clerk of his county, not more than four nor less than two days before each election, and the board of election commissioners shall deliver to him, in a sealed package, the ballots and the stamps or other apparatus provided for his precinct: *Provided*, That in cities where a later date is fixed for the delivery of city ballots to said [chairmen] chairman, the ballots may be delivered by the board of election commissioners at the same time that the city ballots are so delivered, and in election precincts where the ballot boxes are delivered locked to election inspectors by officials, such stamps and pads or other apparatus may be enclosed in such ballot boxes instead of with the ballots. The necessary number of ballots shall be wrapped and tied in packages, and securely sealed with wax, and the chairman of said board of election commissioners or some other member thereof, duly authorized therefor by said

Duty of chairman to procure ballots.

Provido, where date is fixed in cities.

How ballots put up.

When to be opened.	board, shall make and sign a certificate setting forth the number of ballots in such package, and that such ballots were packed and sealed by himself personally, and upon delivery of such package and said certificate to said inspector of elections he shall receipt for the same; and for the safe sealing of such ballots, the county board of election commissioners shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the election board of the respective voting precincts, to which they were directed when said boards shall be fully organized and ready for the reception of votes as in this act provided.
When board to send ballots.	(157) § 3630. SEC. 20. In case none of the board of election inspectors of any precinct shall appear at the office of the county clerk within the time above specified, the board of election commissioners shall forthwith dispatch a special messenger to such precinct, with the ballots and stamps for such precinct, wrapped, tied and sealed as aforesaid, who shall deliver the same to one of the election inspectors or some responsible elector of such precinct, to be designated by the board of election commissioners, who may receipt therefor and whose duty it shall be to deliver the same to the inspectors at the polling place before seven o'clock in the forenoon of the day of election. Such messenger shall promptly report to such clerk and file with him the receipt of the person to whom he delivered such ballots and stamps, and his affidavit stating where, when and to whom he delivered the same.
To file receipt for ballots.	
Railing or fence to be erected in voting room.	(158) § 3631. SEC. 21. In all townships, and all voting precincts in cities, the township board of each township, and the various officers whose duty it may be to designate and prescribe the place or places of holding general elections in the several cities, wards, election districts and voting precincts, throughout the state, shall provide for, and cause to be erected in the room where elections are to be held, a railing or fence four feet in height, which railing or fence shall be placed through and across the room, and shall cause gates to be erected in said railing. The entrance gate shall be in charge of a gate keeper appointed at the opening of the polls by the board of election inspectors, and duly sworn to allow no person to pass through said gate and enter said railing except as otherwise provided in this act, except to vote or to assist some elector in the preparation of his ballot, as provided in this act, and no person shall be allowed to be inside of said railing, except to vote, or to assist an elector in the preparation of his ballot as hereinafter provided, and as soon as the elector has voted he shall retire without and shall not again be admitted within the railing, and only as many electors as there are booths shall be allowed within the railing at one and the same time, and the electors shall be admitted
Entrance to be in charge of gate keeper.	
Who allowed inside railing.	

in the order in which they shall apply. The entrance gate shall be placed at one side of the room, and on the inside of said gate a booth or temporary room shall be erected. At least one such booth shall be provided at each polling place, and not less than one for each hundred persons entitled to vote thereat, as shown by the last preceding registration of electors, and built with walls not less than six feet high, and in such [a] manner that the person preparing the ballot shall be concealed from all other persons. Said railing shall also contain an exit gate, which shall be under the care of an officer appointed by the board and duly sworn, as above.

Booths to be erected.

Exit gate and keeper.

The booths must be so constructed as to secure secrecy to the voter in the preparation of his vote, but so as not to obstruct the view between the public and the voter when he deposits his vote. The gate-keeper must admit within the railing at one time as many voters as there are booths, and no more, and as fast as one booth becomes vacant he must admit another voter.—Common Council v. Rush, 82/533.

MISCONDUCT OF INSPECTORS: In determining the title to a county office, the vote of a township should be excluded, where it appears that in such township the mandatory provision of the election law requiring the official ballots to be kept in the custody of an inspector was violated by the appointment of an unofficial person as "instructor" to distribute the ballots, and allowing him access to the voters even after they had entered the booths, although the parties acted in good faith and it is not shown that voters were unduly influenced.—Att'y Gen. v. Kirby, 120/592.

(159) § 3632. SEC. 22. At the opening of the polls after the organization of and in the presence of the board of inspectors, one of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then deliver to any one of the inspectors fifty of the ballots, and shall place the pencils for marking the ballots in the booths. Any inspector initialing ballots shall at once proceed to write his initials in ink or with lead or indelible pencil on the back of the ballot directly below the perforated line, so that the same shall not be torn off when the number is torn off by the inspector, in his ordinary handwriting and without any distinguishing mark of any kind. As each successive voter calls for a ballot, one of the inspectors shall deliver to him the first signed of the fifty ballots, and as the supply of ballots in the hands of the inspectors shall decrease, additional ballots shall be signed by an inspector, so that at least twenty-five ballots so signed shall be at all times in the hands of the inspector delivering the ballots to the electors.

Package, how opened.

Delivery of ballots to inspector.

Initialing.

Delivery of ballot to voter.

Am. 1901, Act 214; 1905, Act 55; 1909, Act 192.

INITIALING BALLOTS: The provisions of this law do not authorize the rejection by the canvassers of ballots, inadvertently indorsed by the inspector in the lower right-hand corner; so much of the statute as designates the particular place for the indorsement being directory only.—*Horning v. Board of Canvassers of Saginaw Co.*, 119/51. See *DeGaw v. Fitzsimmons*, 124/511.

The indorsement of the initials was made in all respects as required by law, except that, instead of being in the upper left-hand corner, they were in the lower right-hand corner. The inspectors of election did not intend to do any wrong. The electors were all qualified voters. They accepted the ballots as given them by the inspector, supposing them to conform fully with the law. As voted, they were secret ballots. The electors voted them in the utmost good faith, without objection or challenge from anyone. The inspectors counted them without protest from any one. The electors were in no sense responsible for the mistake of the inspector. To disfranchise hundreds of legal voters, for an unintentional mistake of this character by a public officer, is a gross injustice, and is calculated to bring a very commendable law into disrepute. It would enable a corrupt inspector to disfranchise the electors when they were not parties to the fraud.—*Horning*

v. Bd. of Canvassers, 119 / 60. Act 55 of 1905, making provision for initialing ballots and rejecting those improperly marked, is constitutional.—People v. Rinehart, 161 / 585.

See note to previous section.

- Challengers.** (160) § 3633. SEC. 23. At every election each of the political parties shall have the right to designate and keep not exceeding two challengers at each place of voting, who shall be assigned such positions immediately adjoining the inspectors inside the polling place as will enable them to see each person as he offers to vote and a seat and table or desk on which he may write within the railing shall be furnished for the accommodation of one of such challengers of each political party, and he shall have the right to inspect the poll lists as kept by the clerks, and who shall be protected in the discharge of their duty by the inspectors and the police. Authority signed by the recognized chairman or presiding officer of the chief managing committee of a party in such county or township, city, ward or voting precinct, shall be sufficient evidence of the right of such challengers to be present inside the room where the ballot box is kept. The chairman appointing any challenger may, at his discretion, remove him and appoint another. Any challenger shall have the right and privilege of remaining during the canvass of the votes and until the returns are duly signed and made.
- Powers.**
- Evidence.**
- May remain during canvass.**

People v. Hanna, 98 / 516; Att'y Gen. v. May, 99 / 566.
See note to section 158.

- Proceedings when elector is challenged.** (161) § 3634. SEC. 24. If any person offering to vote shall be challenged as unqualified by any inspector, challenger, or any elector qualified to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector, and the challenge shall not be withdrawn, one of the inspectors shall tender to him such of the following oaths as he may claim to contain the grounds of his qualifications to vote:

Form of oath, when elector is challenged.

1. You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this state six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election; or

2. You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this state on the twenty-fourth day of June, one thousand eight hundred and thirty-five, that you have resided in this state six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election; or

3. You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this state on the first day of January, one thousand eight hundred and fifty, that

you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this state six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election; or

4. You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this state two years and six months prior to the eighth day of November in the year one thousand eight hundred and ninety-four, that you declared your intention to become a citizen of the United States, pursuant to the laws thereof, two years and six months prior to said eighth day of November, that you have resided in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election and that you have not voted at this election; or

5. You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a native of the United States, that you are of Indian descent and do not belong to any tribe, that you have resided in this state six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election.

If such person so challenged will take either of the above oaths, his vote shall be received; but if such person shall therein swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury. Penalty for swearing falsely.

RESIDENCE: The temporary absence of a person or his family, though extending over a series of years, does not necessarily, without regard to his intentions, make him lose his residence, or deprive him of his rights as an elector.—*Harbaugh v. Cicott*, 33/242. See also notes to section 97.

VOTING TWICE: One who has, first by mistake, voted in the wrong precinct, and upon discovering his mistake has requested and procured the inspectors to withdraw and cancel a ballot such as he asserted he had voted, has no right afterwards to vote again in his proper precinct; and his second vote is illegal.—*Id.*

ELECTIVE FRANCHISE: It must be remembered that the right of voting is one which cannot be taken away by direct law or impossible conditions.—*Warren v. Board of Registration*, 72/399.

OATHS: Where, by the law under which an election is held, the inspectors are to receive the voter's ballot if he takes the oath that he possesses the constitutional qualifications, the oath is the conclusive evidence on which the inspectors are to act, and they are not at liberty to refuse to administer it, or to refuse the vote after the oath has been taken.—*Wolcott v. Holcomb*, 97/361; *People v. Cicott*, 16/302.

(162) § 3635. SEC. 25. It shall be the duty of each inspector to challenge every person offering a ballot whom he shall know or suspect to be disqualified as an elector; and the board of inspectors shall possess full authority to maintain regularity and order, and to enforce obedience to their lawful commands during an election, and during the canvass of the votes after the poll is closed. Duty of inspectors to challenge.

(163) § 3636. SEC. 26. When an elector shall not be challenged or shall have taken the necessary oath or affirmation he shall be permitted to vote. On entering the room the inspector having charge of the ballots shall deliver to him one of them, and the clerk shall enter his name upon the poll Manner of voting, etc.

How ballot
marked by
voter, etc.

Proviso.

To vote for
candidates
not on any
ticket.

What deemed
a vote for
each can-
didate.

list, together with the number of the ballot given him and on request such inspector shall give explanation of the manner of voting, if deemed necessary by the board an interpreter may be called. The elector shall then and without leaving the room, go alone into the booth, which is unoccupied, and indicate the candidate or candidates for whom he desires to vote, as follows: If he desires to vote a straight ticket he must make a cross (X) in the circle under the name of his party at the head of the ballot. Nothing further need be done. Where only one candidate is to be elected to an office and the elector desires to vote for a candidate not on his party ticket he should make a cross in the circle under the name of his party, and also make a cross in the square before the name of the candidates for whom he desires to vote on the other ticket. In such case it shall not be necessary to strike off the name of the candidate on the party ticket and where two or more candidates are to be elected to the same office, like circuit court commissioners, presidential electors, etc., and the voter desires to vote for candidates on different tickets for such office, he must mark a cross in the circle under his party name, and mark a cross in the square before the name or names of the candidates for whom he desires to vote on the other ticket or tickets, and also erase an equal number of names of the candidates for such office on his party ticket: Provided, That if such elector shall not cross off the names of an equal number of candidates for such office on his party ticket he shall be deemed to have crossed off the name of each candidate for such office which is printed on his party ballot opposite of a candidate on some other party ticket in front of whose name he has made a cross (X). If the elector wishes to vote for a candidate not on any ticket, he must write or place the name of such candidate on his ticket, opposite the name of the office, and make a cross in the circle under the party name. A ticket marked with a cross in a circle under a party name will be deemed a vote for each of the candidates named in such party column whose name is not erased, except those candidates where a cross is placed in the square before the name of some opposing candidate on the opposing ticket, or where a name is written or pasted on the party ticket of some candidate whose name is not printed as a candidate on any party ticket. In case there is only one candidate to be elected to any office, the cross in the square before the name of the candidate on the opposing ticket shall be deemed one vote for such candidate. Where there are two or more candidates to be elected to the same or like office, the cross before the name of the opposing candidate or candidates, shall be deemed one vote for such candidate or candidates, provided an equal number of names of candidates for the same office are erased or can, under the provisions of this section be deemed to have been erased, from the party ticket. If the name of any person who is not a

candidate on any ticket is written or placed on the party ticket opposite the name of the office, and there is a cross in the circle under the party name, the name so written or placed shall be counted one vote for the person so mentioned, whether the original name on the party ticket is erased or not, excepting cases where there is a cross in the square before the name of some opposing candidate on some other party ticket. If no cross is placed in the circle under the party name, a cross in the square before the name of any candidate shall be deemed a vote for such candidate except in cases where the elector votes for more candidates for the same office than are to be elected. Such elector shall also indicate his preference on any constitutional amendment or other questions if he desires to vote thereon, by making a cross (X) in the square in front of the words "Yes" or "No" opposite such question. Before leaving the booth the elector shall fold his ballot so that no part of the face thereof shall be exposed, and so that the initials of the inspector shall be on the outside thereof, and on leaving the booth shall at once deliver in public view such ballot to the inspector designated to receive the same, who shall thereupon announce audibly the name of the elector offering the same, and the number of the ballot, and shall ascertain by comparison of the number of the ballot with the number of the ballot given such elector as shown by the poll list whether the ballot presented is the same one given such elector, and if it is the same the inspector shall tear off the corner of the ballot, where perforated, containing the number and shall then, in the presence of the elector and the board of inspectors, deposit the same in the ballot box without opening, and if it is not the same ballot given said elector it shall be rejected: Provided, however, If any elector shall show his ballot or any part thereof to any person other than one lawfully assisting him in the preparation thereof, after the same shall have been marked so as to disclose any part of the face thereof, such ballot shall not be received or deposited in the ballot box. In case such elector shall so expose his ballot his name shall be entered on the poll list with a minute of such occurrence, and such elector shall not be allowed to vote thereafter at such election. The elector shall then leave the room, but no elector to whom the ballot has been delivered shall be permitted to leave the room without voting such ballot, or returning it to the inspector from whom he received it. Any elector who shall attempt to leave the room with a ballot or pencil in his possession shall be at once arrested on demand of any member of the board of inspectors if he shall refuse to deliver the same upon request.

Elector to
fold ballot.

Provido.

Am. 1901, Act 214.

SECRECY OF THE BALLOT: The inspectors are not permitted to examine the ballots as handed to them, so that where they are folded they have no means of ascertaining how a person votes, and after the ballot is once deposited they have neither the opportunity nor authority to investigate the matter.—*Harbaugh v. Clcott*, 33/251. It is only the legally qualified voter who is protected in the secrecy of his ballot, and no one has the right to

inquire or make known the contents of his ballot, or give evidence of it without his consent. Even if his qualifications are questioned, his privilege remains until the lack of qualifications is established, either by his own admission or otherwise.—*People v. Clcott*, 16/283; *Harbaugh v. Clcott*, 33/251. The action of the chairman of the board of inspectors, in receiving and depositing in the ballot box the ballots of 13 unregistered persons, and the ballots of a large number of persons who had shown them after they had been marked, and in allowing and instructing third persons to enter the voting booths with a large number of electors, and, after their ballots had been marked by such third persons, depositing them in the ballot box, it is held to have vitiated the vote of the election precinct.—*Att'y Gen. v. McQuade*, 94/439; *Att'y Gen. v. May*, 99/544.

ENTERING BOOTH ALONE: The provisions of this section requiring the elector to enter the booth alone and prepare his ticket are mandatory.—*Att'y Gen. v. McQuade*, 94/439. See sections 158, 169 and notes.

ERASING NAMES: Under this section as originally enacted it was necessary for the elector, when voting for a candidate on the opposing ticket, not only to mark the name of such candidate with a cross, but also to erase the name of the candidate on the voter's own ticket. But by the amendment of 1893 [see Am. of 1901] the legislature dispensed with the necessity of the erasure of the name.—*Att'y Gen. v. Glaser*, 102/402. And such erasure is permissible, though not necessary.—*Id.* 405.

SLIPS PASTED: Slips over names on ballot, when void. Where a slip is so placed on a ticket as to leave on it two distinct names as candidates for the same office, the ballot is rendered bad as to that office for duplicity. But where an attempt is made to cover one name by another for the same office, so that the under one is partially obliterated, the slip will be counted although the name beneath is not entirely covered.—*The People v. Clcott*, 16/283. Where a slip is pasted over a name so as to partially obliterate it, the slip should be counted.—*Keeler v. Robertson*, 27/117. This section provides that, if an elector wishes to vote for a candidate not on any ticket, he must write or paste the name of such candidate on his ballot, opposite the name of the office, and make a cross in the circle under the party name, and, if no cross is placed in such circle, a cross in the square before any candidate's name shall be deemed a vote for such candidate, except where the elector votes for more candidates for the same office than are to be elected. Held, that the pasting of respondent's name over the name of relator without putting a cross under any party name or opposite the name of respondent, or erasing the name of a third candidate on the ballot, was not a compliance with the law.—*People v. Fox*, 114/652.

MARKING BALLOTS: Ballots were all marked with a blue pencil in the circle at the head of the ticket. In one instance, it looks as though the voter first made a cross, and, thinking he had not marked it plainly enough, repeated the marking substantially over the first marking. Two other tickets looked as though they might have been made with a blue pencil the lead of which was so broken that two points projected so as to make marks upon the ballot; or the voter may have made the cross with a down and up-stroke in making each mark. There is nothing in the marking to distinguish the ballot from other ballots. If these ballots are to be rejected, the ballots of a large number of voters who do not have occasion to use pen and pencil very often would have to be rejected.—*People v. Kamps*, 129/217. A ballot marked with two parallel horizontal lines across the circle at the head of one of the party tickets cannot be counted, the statute requiring a cross as the designation of the voter's intent.—*Christopherson v. Com. Council*, 117/125.

SHOWING BALLOT: The provisions that, if the elector shows his ballot after preparing it, such ballot shall not be received or deposited in the box, is mandatory.—*Att'y Gen. v. May*, 99/545. And receiving and depositing in the ballot box a large number of ballots so shown will vitiate the election of the precinct.—*Att'y Gen. v. McQuade*, 94/439.

SEPARATE BALLOT BOXES: Where state or county measures are to be voted on, or state or county officers to be elected to fill vacancies, at the spring election, the county commissioners must prepare the ballot, and in such cases the ballot may be separate from that of the township and may be cast in a separate box.—*Peck v. Supervisors*, 102/356. The elector is not to be deprived of his vote by either the mistake or the fraud of the inspector in depositing it in the wrong box, if the intention of the voter can be ascertained with reasonable certainty. Nor should ballots be rejected, though they may have got into the wrong box by the honest mistake of the voters themselves.—*People v. Bates*, 11/364. When a voter has voted by mistake, he cannot withdraw his ballot and vote again.—*Harbaugh v. Clcott*, 33/241.

Clerks to compare poll lists.

(164) § 3637. SEC. 27. At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and in case the same do not agree shall, under the direction of the board, correct all mistakes that may be discovered, until such poll lists shall be made in all respects to correspond.

(165) § 3638. SEC. 28. The ballot box shall then be opened and the poll list placed therein, the box locked, and at least five minutes before the removal of the same a piece of leather or canvas so placed as to extend from the opening in the lid of said ballot box to the key hole in such a manner as to completely cover both such holes, shall be placed thereon, and the same securely fastened thereon with sealing wax stamped with the official election seal of such township or ward, such piece of leather or canvas and the sealing wax to be so arranged as to render it impossible to open either of said holes without breaking said seal. The key shall then be delivered to one of the inspectors, the box to another, and the seal to another. Such box shall not be opened nor the seal broken until the box has been publicly exposed at least five minutes before the reopening of the poll.

Care of ballot box, key, etc.

(166) § 3639. SEC. 29. The inspector having the key shall keep it in his possession, and deliver it again to the board at the next opening of the poll, and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it in that state to the board of inspectors at the next opening of the poll, when the seal shall be broken and the box opened, the poll lists taken out, and the box again locked.

Return and opening of box.

(167) § 3640. SEC. 30. No ballot shall be distributed by any person other than one of the inspectors of election, nor in any place except within the railing of the voting room, to electors about to vote and no ballot which has not the initials of a member of the board of election written by such member on the back thereof shall be placed in the ballot box.

Distribution of ballots.

(168) § 3641. SEC. 31. Uniform printed instructions to voters, printed in large type upon cards, shall be furnished by the secretary of state to the county clerk of each county, containing any information that will enable voters to quickly make and correctly designate their choice, and the county clerks shall furnish such cards to the city and township clerks in the county. Such clerks shall furnish such cards to each polling place, one of which shall be hung in each compartment, two in the polling room, and three on the outside of the building in which the voting takes place. Whenever the clerk of any county notifies the secretary of state that the printed instructions are also needed in a foreign language, and such language is stated, then it shall be the duty of the secretary of state to furnish such printed instructions in such foreign language. In case of necessity the chairman may employ an interpreter.

Printed instructions to voters to be furnished.

Instructions in foreign language.

See note to section 152.

INTERPRETER: The interpreter cannot be allowed to remain within the railing to converse with the voters who do not understand English.—Att'y Gen. v. Stillson, 108/419.

Voting by incapable persons.

(169) § 3642. SEC. 32. When an elector shall make oath that he cannot read English or that because of physical disability he cannot mark his ballot, or when such disability shall be made manifest to said inspectors, his ballot shall be marked for him in the presence of the challenger of each political party having a challenger at such voting place by an inspector designated by the board for that purpose, which marking shall be done in one of the booths.

See notes to sections 158 and 163.

DISABLED VOTERS: The provisions of this section relative to the marking of the ballots of illiterate or disabled voters are mandatory.—Att'y Gen. v. McQuade, 94/442; McQuade v. Furgason, 91/438; Att'y Gen. v. May, 99/545. The provisions of this section, with those of section 181, are intended to secure the entire secrecy of the ballot, except so far as is absolutely necessary to enable such electors as cannot read English to have assistance in marking it. The only test of the ability of the voter to read English is his oath. No other test is permissible, and it is unlawful for any inspector to assist in marking a ballot for any elector, until such elector shall have first taken the oath.—Att'y Gen. v. May, 99/544. At the expense of the secrecy of the ballot, the law provides a method of aiding electors who are physically incapacitated or unable to read English. It does not deprive those voters of any right, but rather secures to them aid in voting intelligently.—Id. 547.

Unlawful to influence voter.

(170) § 3643. SEC. 33. It shall be unlawful for the board, or any of them, or any person in the polling room or any compartment therewith connected, to persuade or to endeavor to persuade any person to vote for or against any particular candidate or party ticket.

Voting for more than one person.

(171) § 3644. SEC. 34. If the elector votes for more than one candidate for the same office, said ballot shall not be counted for those persons, but shall be as to them null and void. If any elector inadvertently spoils a ballot he may obtain another from the board by returning such spoiled ballot to the board, who shall preserve the same for return to the city or township clerk.

Spoiled ballot.

The only instance in which an unnecessary mark is recognized as possible is in above section, where it is provided that, if the elector votes for more than one person for the same office, such ballot shall not be counted for those persons, but shall be, as to them, null and void.—Att'y Gen. v. Glaser, 102/401. Distinguishing marks fraudulently placed on the ballots after they were cast do not vitiate them.—Att'y Gen. v. Blanck, 107/85.

Board to preserve unused ballots.

(172) § 3645. SEC. 35. The board of inspectors of election, shall preserve the unused ballots together with the ballots which have been spoiled, and return the same to the city or township clerk, with a statement of the number of ballots used, and there shall be given by the clerk to the inspectors of election a receipt therefor, which shall be filed with the chairman of the board.

Canvass of votes, how conducted.

(173) § 3646. SEC. 36. Immediately on closing the polls, the board shall proceed to canvass the votes. Such canvass shall be public and shall commence by a comparison of the poll lists and a correction of any mistakes that may be found therein until they shall be found or made to agree. The box shall then be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of the electors voting according to the poll lists they shall be replaced in the box and one of the inspectors shall publicly

draw out and destroy so many ballots therefrom unopened as shall be equal to such excess. They shall first select and count the straight tickets, and give the number to each candidate voted for on the straight ticket. All other tickets shall be laid on the table and counted in regular order in such subdivisions thereof as may be convenient for a prompt and careful determination of the result of such election. In the canvass of the votes, any ballot which is not indorsed with the initials of the inspector as provided in this act, and any ballot which shall bear any distinguishing mark or mutilation shall be void, and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates shall be void as to the candidate or candidates thereby affected: Provided, however, That all such ballots shall be preserved, marked by the inspectors "not counted" and kept separate from the others by being tied or held in one package by a rubber band or otherwise.

Counting of votes.

What ballots void.

Proviso.

See notes to sections 152, 159 and 163.

IMMEDIATE CANVASS: The provisions for an immediate canvass of the ballots were expressly designed to guard against fraudulent tampering with votes before counting.—*People v. Sackett*, 14/325. The election law is positive that the official count of the ballots shall be made immediately, in public, and the result ascertained and declared publicly, and an official statement made of the result.—*Keeler v. Robertson*, 27/128-9. But the neglect of the board to complete the canvass on the night of the election and the dating of their report on the next day ought not to result in the disfranchisement of the voters and should not be so held, except where the plain provisions of the statute require it.—*Att'y Gen. v. Glaser*, 102/397.

EXCESS OF BALLOTS: *Att'y Gen. v. May*, 99/556; *People v. Cicott*, 16/283.

DISTINGUISHING MARKS: *Att'y Gen. v. May*, 99/566; *Att'y Gen. v. Glaser*, 102/396; *Att'y Gen. v. Howcroft*, 107/85. The evident intent of this provision was to provide against voters marking the individual ballot which they cast in such manner as to distinguish it.—*Lindstrom v. Canvassers*, 94/471.

BALLOTS FOLDED TOGETHER: Under the old law, if two or more ballots were found so folded together as to present the appearance of a single ballot, both were to be destroyed: thus depriving the person casting them of his vote, whether the folding was intentional or done by mistake.—*Harbaugh v. Cicott*, 33/241.

DUTIES MINISTERIAL: The duties of canvassing boards are simply ministerial; their whole duty consists in ascertaining who are elected and in authenticating and preserving the evidence of such election.—*People v. Van Cleve*, 1/366. The result of an election is determined by the ballot. The evidence contained therein is the foundation of the statement to be prepared by the inspectors. They cannot go behind the ballot to ascertain the voter's qualifications or intention.—*People v. Tisdale*, 1 Doug. 59; *People v. Woodhull*, 14/28; *Keeler v. Robertson*, 27/116. The evidence of the voter himself as to his intention is not admissible.—*People v. Higgins*, 3/233. See also *People v. Cicott*, 16/320; *People v. Board*, 11/111.

CANVASS FINAL: The action of the inspectors is final, when they have finished their count and sealed up the ballots. Every opening of the ballots thereafter, except upon an election contest, when they will be needed in court, is an unlawful act and cannot be made the basis of official action.—*Keeler v. Robertson*, 27/129. When inspectors of election have completed their count and executed and delivered their returns to the proper officer, their legal powers end, and any attempt on their part to change or modify such returns in any particular involving other than a mere clerical duty is clearly beyond their powers.—*Roemer v. Canvassers*, 90/30.

(174) § 3647. SEC. 37. After the ballots are counted they shall, together with one tally-sheet, be placed in the ballot box which shall be securely sealed in such a manner that it cannot be opened without breaking such seal. The ballot box shall then be placed in charge of the township or city clerk, but the keys of said ballot box shall be held by the

Disposition of ballots, box, etc.

How result
declared.

Statement
of result.

chairman of the board and the election seal in the hands of one of the other inspectors of election.

(175) § 3648. SEC. 38. Immediately after the count of the tickets or ballots has been completed, the result and the number of votes received by each candidate or person on the ticket shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in duplicate showing the whole number of votes cast for each office, the names of the persons for whom such votes were given and the number each person received, in which statements the whole number of votes given for each office and the number given for each person shall be written out in words at length. Such duplicate statements, when certified by the inspectors and duly signed shall be delivered to the township or city clerk, and shall by said clerk be, within twenty-four hours after the result is declared, delivered in person or immediately forwarded by registered mail, one copy to the board of county canvassers in care of the judge or register of probate, and the other, together with one of the original tally sheets, to the county clerk, which said statements and tally sheets shall be placed in separate envelopes and sealed by said inspectors before their delivery to the township or city clerk.

Am. 1901, Act 214.
See *Curran v. Norris*, 58/512; *Belknap v. State Canvassers*, 95/155;
Att'y Gen. v. Glaser, 102/397.

Powers and
duties of gate
keepers.

Penalty for
interference
with.

Eligibility of
gate keepers.

Compensa-
tion.

(176) § 3649. SEC. 39. The gate keepers of elections shall be peace officers at polling places, and are hereby delegated power equal to constables for the purpose of maintaining peace and quiet at the polls on election day. They shall have charge of and keep the gates at polling places and shall not allow any person to approach within the railing provided for in section sixteen, except those authorized by law, and qualified electors, whom they shall allow to pass through the gates and approach the ballot box or boxes for the purpose of voting; and they shall admit one elector at a time only to vote, and shall cause said elector to retire without the gate and railing as soon as he has voted; and no person shall in any manner interfere with a gate keeper of election in the discharge of his duty, and it shall be unlawful for the gate keepers to aid, assist, suggest, advise or entreat an elector to prepare his ballot in a particular manner, or to coerce or attempt to coerce an elector in any way to vote or to refrain from voting for any particular person or party. No person shall be eligible to fill the office of gate keeper of election on any election day when his name shall be on any ticket at said election. Gate keepers of [elections] election shall be at the polling place at the opening of the polls, and shall remain there until the closing of the polls, and shall receive as compensation two dollars per day for each day's work while actually engaged.

(177) § 3650. SEC. 40. No election shall be held, nor shall any election be appointed to be held in any saloon or barroom, or in any room or place contiguous with or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated, the inspectors of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be, not subject to like objection. Said inspectors shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them, and at the time of said adjournment, give public notice to the electors present by proclamation of such change, and post in a conspicuous manner notice of the place where such election shall be held, and all expense attending such change shall be certified by said inspectors to the proper authorities and shall be allowed and paid accordingly.

Elections shall not be held in saloons.

When inspectors to change polling place.

Inspectors to meet, etc.

Notice of change.

The adjournment of an election in good faith from one polling place to another is at most an irregularity, unless it prevents persons from voting or prejudices the rights of candidates; and such an irregularity will not sustain proceedings in the nature of quo warranto against the successful candidate, in the absence of any showing that if the change had not been made the result would have been different.—Farrington v. Turner, 53 / 27.

(178) § 3651. SEC. 41. Any person or persons introducing in any way, upon election day, into the building where an election is being held, any spirituous or malt liquors, and any inspector or clerk of election drinking any such liquors in such place, or being intoxicated therein upon election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment, in the discretion of the court.

Liquors, bringing in, etc., a misdemeanor.

Penalty for.

(179) § 3652. SEC. 42. The board of election may make such regulations as they deem proper, limiting the time in which an elector may remain in the room or booth while preparing and voting his ballot; such limitation, however, shall not be less than one nor more than five minutes.

Time voter may remain in booth.

See section 561.

The provisions of this section authorizing the board of elections to limit the time which a voter may remain in the room or booth while preparing and voting his ballot is applicable to elections in cities as well as towns, and it is the imperative duty of such boards to limit the time as provided in said section.—Common Council v. Rush, 82 / 533.

(180) § 3653. SEC. 43. It shall not be lawful for any candidate for any elective office with intent to promote his election, or for any other person with intent to promote the election of any such candidate either:

Unlawful for candidate to aid his election in certain manner.

First, To provide or furnish entertainment at his expense to any meeting of electors previous to or during the election at which he [shall] may be a candidate; or

Second, To pay for, procure, or engage to pay for any such entertainment; or

Third, To contribute money for any other purpose intended to promote an election of any particular person or ticket, except for the defraying the expenses of office room or hall rent, postage, stationery and clerk hire, music at public meetings, the pay and expense of public speakers, transportation of committeemen, the pay of challengers at the polls and of persons to inspect the registration of voters and of persons employed to make lists of the votes in election precincts, and of printing, and the circulation of handbills and other papers previous to any such election, or for conveying electors to the polls.

Section 44 is repealed by Act 61 of 1901.

Violation of
act to be
felony.

(181) § 3655. SEC. 45. Any person who shall knowingly violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duty enjoined upon him hereby, or shall disclose to any other person the name of any candidate voted for by any elector, the contents of whose ballot shall have been seen by such person, or shall in any manner obstruct or attempt to obstruct any elector in his exercise of his duties as such elector under this act, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the state prison not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

McLaughlin v. Burroughs, 90 / 314; Att'y Gen. v. McQuade, 94 / 442; Att'y Gen. v. May, 99 / 544.

Section 46 repeals all acts or parts of acts contravening the provisions of this act.

Opening and
closing of
polls.

(182) § 3656. SEC. 47. At the general election to be held in this state on the first Monday of April, eighteen hundred and ninety-three, or in any second year thereafter, the polls of such election in townships and cities, shall, for all purposes, open and close at the times herein prescribed for the opening and closing of polls, anything in act number one hundred and ninety-four of the public acts of eighteen hundred and ninety-one, or in any other statute, local or general, to the contrary notwithstanding: Provided, That this section shall not be construed as forbidding a noon adjournment in townships.

Proviso.

For Act 194 of 1891, see sections 227, 229.

Constitutional
amendments
on separate
ballot.

(183) § 3657. SEC. 48. Whenever any constitutional amendments or other questions are proposed to be submitted to the electors, the board of election commissioners of each county shall cause them all to be printed on one ballot, separate and distinct from the ballot containing the names of nominees for public office, the substance of each amendment

or other question to be clearly indicated upon said ballot by a suitable designation in distinct and easily legible type, with the words "yes" and "no" printed below it in separate lines. The elector shall designate his vote on each separate question submitted by a cross mark (X) placed opposite the word "yes" or the word "no" under such question in a suitable place provided therefor. The said ballots shall be of uniform size and of the same quality of white paper, and sufficiently thick that the printing cannot be distinguished from the back. They shall be delivered to the inspectors and electors, and voted and canvassed in all respects in the same manner and subject to the same regulations, restrictions and penalties heretofore provided in this chapter for the ballots containing the names of the nominees for public offices, except that separate ballot boxes shall be kept and used, the box for the deposit of the ballots for nominees being designated by the words "public officers," plainly printed or painted thereon, so as to be readily seen by each elector, and the box for the deposit of ballots for constitutional amendments and other questions to be designated by the words "propositions submitted" in the same manner.

How vote
designated.

How ballot
boxes marked.

See sections 583-4.

AN ACT TO PROVIDE FOR HOLDING GENERAL AND SPECIAL ELECTIONS.

(CONTINUED.)

[Act 175 of 1851.]

POLL LISTS.

(184) § 3661. SEC. 42. One of the poll lists shall be delivered to the township clerk, and the other to the county clerk, which lists shall be filed and preserved by them in their respective offices. In a city, the ballots, and one of such poll lists and statements, shall be delivered to the city clerk, and shall be kept and preserved by him.

Poll lists to be
filed, etc.

Disposition of tally sheets and inspectors statements, see section 175. Sections 43 to 48 of this act relate to the board of county canvassers, its organization and meeting, and are deemed to have been superseded by Act 149 of 1895. For this act of 1895, see sections 236-248.

STATEMENTS OF CANVASS.

(185) § 3675. SEC. 49. They shall make a separate statement, containing the whole number of votes given in such county, for the offices of governor, lieutenant governor, secretary of state, state treasurer, auditor general, attorney general, superintendent of public instruction, commissioner of the state land office, and members of the state board of education, the names of the persons to whom such votes were

Separate
statement of
votes for cer-
tain offices.

given, and the number of votes given to each; another similar statement of the votes given for electors of president and vice president of the United States, each year in which such electors are to be chosen; another similar statement of the votes given for representative in congress; another of the votes given for senator, when the county alone does not constitute a senatorial district; another of the votes given for representative in the state legislature, when the county alone does not constitute a representative district; another of the votes given for senator or representative, when the county alone constitutes but one senatorial or representative district; and another of the votes given for county officers.

Idem.

(186) § 3676. SEC. 50. The several senatorial and representative district canvassers shall, where a county is divided for such purposes, also make a statement of the whole number of votes given in each respective district for the office of senator or representative, or both, as the case may be, which several statements shall set forth the number of each of such districts, the number of votes given to each of the persons voted for in each of such districts, respectively.

What statement to contain.

(187) § 3677. SEC. 51. In each of said statements, the whole number of votes given, the names of the candidates, and the number of votes given to each, shall be written out in words at length; and each statement shall be certified as correct, and attested by the signatures of the chairman and secretary of the respective boards, and a copy of each, thus certified and attested, shall be delivered to the county clerk, and recorded by him in a suitable book, to be provided by him for that purpose, at the expense of the county, and kept in his office.

Statement to be recorded, etc.

Rich v. State Canvassers, 100 / 461.

Determination by board of persons elected.

(188) § 3678. SEC. 52. The county and district boards shall then determine the persons who have been, by the greatest number of votes, elected to the county offices, and members of the legislature, when the county alone constitutes one or more senatorial or representative districts, and such determinations shall be certified and attested by the chairman and secretary of the respective boards, and be annexed to the statement of votes given for such officers respectively, and shall be recorded with such statements by the county clerk in his office: Provided, That in elections for members of the legislature, or county officers, if it shall appear on the legal canvass of the votes polled at such election, that two or more persons have received an equal number of votes for the same office, and that a failure to elect to any office is caused thereby, such persons shall proceed to draw lots for the election to said office in the following manner: The board of canvassers for the county or district in which such election was held shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the

Proviso.

Proceedings when two or more persons have equal number of votes.

purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested. The officer before whom such drawing is to take place shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as nearly alike as possible. Said slips shall be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box; and any such person drawing a slip on which is written the word "elected," shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election. If the drawings under the provisions of this section are for the office of senator or representative in the state legislature, and the district exceeds the limits of a single county, then the drawing shall take place before the county clerk of the county where the district canvass is held; in all other cases before the county clerk of the county where each case shall arise: Provided further, That in cases where the office of county clerk is in question, the drawing shall take place before the sheriff of the county. Proviso.

DUTIES MINISTERIAL: As to the ministerial nature of the duties of canvassing boards, see note to section 173.

DETERMINATION OF ELECTION: No one is elected to an office unless he receives more votes than any other person, whether there is in fact any such other person in existence who can take the office. A minority candidate can never be deemed elected.—*People v. Molitor*, 23/342. The determination and statement of the board of canvassers are not a judgment, nor are they conclusive. The statement is but prima facie evidence and in a contested election a party may go behind it. The county canvass may be corrected by the township canvasses and those by the ballots themselves.—*People v. VanCleve*, 1/364; *People v. Cicott*, 16/283; *Keeler v. Robertson*, 27/116; *Harbaugh v. Cicott*, 33/251. It is true that the certificate of the canvassers is the authority upon which the person who receives it enters upon his office and it is to him prima facie evidence of his title thereto. Whether rightfully or wrongfully given by the canvassers, it confers the right to hold the office until that right is voluntarily surrendered or defeated by a judicial determination against it.—*People v. VanCleve*, 1/366; *People v. Mayworm*, 5/146; *People v. Miller*, 16/59. See *Wayne Auditors v. Benoit*, 20/176; *People v. Marion*, 29/38.

DRAWING LOTS: This provision of law cannot be construed as a regulation under the power of the legislature to declare and fill vacancies; it applies to cases where no vacancy in fact exists. The result reached, when followed by a formal drawing, is not conclusive upon the candidates and the public; and the effect to be given to a certificate granted under these provisions is no greater than to one granted under other provisions.—*Keeler v. Robertson*, 27/116. In case of the inability of the sheriff to conduct a drawing it may be conducted by his deputy.—*Evans v. Sutherland*, 41/177.

(189) § 3679. SEC. 53. The said board shall, without delay, make a duplicate statement of the votes given for senator, when the county alone does not constitute a senatorial district, and deliver the same to the clerk of the county, to be delivered by him to the senatorial district canvassers. Said board shall also make a duplicate statement of votes given for representative in the state legislature, when the county alone does not constitute a representative district, and deliver

Duplicate statement of votes for senator, etc.

the same to the said clerk, to be by him delivered to the representative district canvassers.

Section 54 is superseded by section 6, Act 149 of 1895, see section 241 of this compilation.

Rich v. Bd. of Canvassers, 100 / 461.

Certificate of determination to persons elected.

(190) § 3680. Sec. 55. He shall also prepare as many certified copies of each certificate of the determination of the board of county canvassers, as well as of the several district canvassers, if such county shall be divided for representative purposes, as there are persons declared in such certificates to be elected, and shall, without delay, deliver one of such copies to each person so declared to be elected.

"He" refers to the county clerk.

Hilton v. Common Council, 112 / 500.

Clerk to transmit list of representatives and county officers to secretary of state.

(191) § 3681. Sec. 56. The county clerk shall, within thirty days after a general election, transmit to the secretary of state at Lansing, a list of the members of the legislature, elected in the county, designating both the senators and representatives by their respective districts, and also a list of all the county officers elected in such county at such election together with the respective postoffice addresses of all such senators, representatives, and county officers.

Votes for and against amendment to constitution.

(192) § 3682. Sec. 57. Whenever any amendment shall have been proposed to the constitution, and agreed to, and submitted to the people, pursuant to the provisions of the constitution, the votes of the electors for and against such amendments shall be taken, canvassed, certified, and recorded, and certified copies of the statement thereof shall be made and transmitted by the several county clerks to the governor, secretary of state, and state treasurer, within the same time and in the same manner as the votes for state officers are by law required to be taken and canvassed, and the statements thereof to be certified, recorded, and transmitted. But when any proposed amendment shall be submitted to the people at a spring election, the county canvass thereof shall be on the second Tuesday succeeding such election.

Att'y Gen. v. Jochim, 99 / 358; Rich v. State Canvassers, 100 / 461.

Of banking law, or amendments thereto.

(193) § 3683. Sec. 58. Whenever any banking law for banking purposes, or amendments thereof, shall have been passed by the legislature, approved by the governor, and submitted to the people, pursuant to the provisions of the constitution, if the vote thereon shall be required to be taken at a general election, the votes of the electors for and against such banking law, or amendment thereof, shall be taken, canvassed, certified, and recorded, and certified copies of the statements thereof shall be made and transmitted by the several county clerks to the governor, secretary of state, and state treasurer, at the same time and in the same manner as the votes for state officers are by law required to be taken and

canvassed, and statements thereof to be certified, recorded, and transmitted.

The constitution does not now require amendments to the general banking law to be submitted to the people. Const. Art. xii, sec. 9.

DISTRICT CANVASS.

(194) § 3684. SEC. 59. In each election district for the election of a senator or representative in the state legislature, the limits of which shall be greater than those of a county, there shall be a board of district canvassers, and the clerks of the several counties within the district, the judge of probate, and the sheriff of the county in which the meetings of the board are to be held, shall constitute such board. District canvassers.

(195) § 3685. SEC. 60. Any three of said canvassers shall be a quorum for the transaction of the business of said board; and in case there shall not be three of the members of such board present at any such meeting, the register of deeds or the county treasurer of the county where any such meeting is appointed to be held, or both of them, may act as members of such board; and, with the other members in attendance, shall constitute a board of not less than three in number. Quorum of board.

(196) § 3686. SEC. 61. The board shall meet in the district for the election of a representative in the state legislature, on the Tuesday next after the day on which the county canvass is appointed to be made, and in districts for the election of senators, on the third Tuesday after the county canvass, at the office of the clerk of the county in such district having the greatest number of inhabitants, according to the last preceding census, unless otherwise provided by law. Times and places of meeting.

See sections 584-586.

(197) § 3687. SEC. 62. If either of the county clerks shall be unable to attend such canvass on the day appointed therefor, he shall, on or before that day, cause to be delivered at the office of the clerk of the county in which such meeting is to be held, the original statement of votes given in his county for the officer to be elected in such district, which statement shall be laid before said board. Original statements to be laid before board.

(198) § 3688. SEC. 63. The canvassers shall then proceed to examine the statement of the votes given in the several counties in the district, and ascertain and determine what persons have been elected, and to what offices, and shall draw up a statement thereof in words at length, which statement shall contain the whole number of votes given in the district for each office, and the names of the persons to whom such votes were given; and such statement shall be certified to be correct, and to be subscribed by the said canvassers, or a majority of them. Proceedings of canvassers.

Board to determine persons elected, and deliver certificate to county clerk.

(199) § 3689. SEC. 64. The canvassers shall then determine the persons elected to the several offices within the district, as shall appear by such statement, and shall certify such determination under their hands, and annex the same to their said statement, and deliver the same to the clerk of the county in which their meeting shall be held, who shall file the same in his office; and said board shall cause a copy of such statement and certificate to be forthwith published in some newspaper printed in the district.

In canvassing the votes for state senator, the board has no jurisdiction to determine whether a candidate was ineligible because holding the office of prosecuting attorney, and reject votes cast for such ineligible candidate. —Att'y Gen. v. Bd. of Canvassers, 155/44.

Duty of county clerk in relation to statement, etc.

(200) § 3690. SEC. 65. The county clerk, by whom the said statement and certificate thereto annexed shall be filed, shall, without delay, transmit by mail to the secretary of state, a copy of such statement and certificate of determination, certified by him under his hand and seal of office; and he shall also, without delay, prepare and certify as many copies of such certificate of determination as there are persons stated therein to have been elected, and cause one of said copies to be delivered to each person so determined to be elected.

See section 249 which provides a special canvass of votes cast, to fill vacancies in office of state senator and representative, during a session of the legislature.

STATE CANVASS.

State canvassers.

(201) § 3692. SEC. 66. The secretary of state, the state treasurer, and the commissioner of the state land office shall constitute the board of state canvassers, any two of whom shall be a quorum for the transaction of business; and if only one of said officers shall attend on the day appointed for a meeting of the board, the auditor general, on being notified by the officer so attending, shall, without delay, attend with such officer, and with him shall form the board.

STATE CANVASSERS: See sections 34 and 75. The only duties of the board of state canvassers are to canvass the returns and determine and certify the result of elections. Theirs is the culminating act of the army of persons who have had to do with the receiving and counting, recording and transmitting, of the votes which signify the will of the people. Their duties are specifically pointed out. The times when they are to meet are provided by law. No provision is made for deputies or clerks, but all goes to show that this important duty is to be performed by them in person, as the certificate signed by them asserts. It is not confided to inferior officials, but to three of the state officers of greatest dignity and importance. —Att'y Gen. v. Jochim, 99/376.

Secretary of state to record statements.

(202) § 3693. SEC. 67. The secretary of state, on the receipt of the certified copies of the statement of votes given in the several counties, directed by law to be sent to him by the county clerks, shall record the same in a suitable book to be kept by him for that purpose; and if from any county clerk no such statement shall have been received by the secretary of state, on or before the second Monday of December next

after a general election, and on or before the thirtieth day after a special election, he shall call upon the governor and state treasurer, and receive from them, or either of them, the statement from such county [clerk], if the governor or state treasurer shall have received such statement.

When to call on governor and state treasurer for statement.

The word "clerk" in the next to the last line does not appear in the original print of this act; but, since the context requires the word and it has been inserted in the former compilations, it has been allowed to remain in this.

Newton v. Board of Canvassers, 94 / 455.

(203) § 3694. SEC. 2. The secretary of state, on the receipt of the certified copies of the statement of votes given in the several counties, directed by law to be sent to him by the county clerks, shall make a record of the aggregate number of votes given for each person in the several counties, in a suitable book to be kept by him for that purpose, and shall place on file and preserve such certified copies in his office.

Secretary of state to file aggregate vote.

NOTE.—The above section is the amended sec. 2, Act 17 of 1853, entitled "An act to amend section 2 of chapter 9 of the revised statutes of 1846." The general election act of 1851 is believed to have superseded chap. 9, together with other chapters of the revision of 1846. But this amendatory section 2 of said chap. 9, was retained by Judges Cooley, Dewey and Howell and is here inserted, as it contains some requirements not in the act of 1851.

(204) § 3695. SEC. 68. If, from any county clerk, no such statement shall have been received by the secretary of state, the governor, nor the state treasurer, within the times limited, the secretary of state shall forthwith send a special messenger to obtain such statements and certificates from such county clerk; and such clerk shall immediately, on demand being made by such messenger at his office, make out and deliver to him the statements and certificates required.

When to call on county clerk for statement.

Rich v. State Canvassers, 100 / 461.

(205) § 3696. SEC. 69. For the purpose of canvassing and ascertaining the result of elections, other than for electors of president and vice president, the secretary of state shall appoint a meeting of the state canvassers, to be held at his office, on or before the fifteenth day of December next after a general election, and within forty days after a special election, and shall notify the other members of the board of the same.

Secretary to appoint meeting of board, etc.

Newton v. Canvassers, 94 / 457.

(206) § 3697. SEC. 70. The said board of canvassers, when formed as aforesaid, shall examine the statements received by the secretary of state, of the votes given in the several counties, and make a statement of the whole number of votes given for the offices of governor, lieutenant governor, secretary of state, state treasurer, auditor general, attorney general, superintendent of public instruction, commissioner of the state land office, and members of the state board of education, which statement shall show the names of the per-

Duty of board of state canvassers.

sons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each of such persons.

Att'y Gen. v. Jochim, 99 / 377; Rich v. State Canvassers, 100 / 458.

Idem.

(207) § 3698. SEC. 71. The said board shall also proceed to examine the statements received by the secretary of state, of the votes given in the several counties, and make a statement of the whole number of votes given for the office of representative in congress in each congressional district; which statement shall show the names of the persons to whom such votes shall have been given for said office, and the whole number of votes given to each person in each respective district.

Where the board of state canvassers canvassed the votes for an office, from the returns before them, some of which are afterwards declared invalid, and valid ones made and returned after their successors have entered upon their duties, it is the duty of the new board of state canvassers to canvass the new returns.—Belknap v. Board of Canvassers, 95 / 155.
Rich v. State Canvassers, 100 / 458.

Certificate of determination.

(208) § 3699. SEC. 72. The said canvassers shall certify each statement made by them to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to each respective office, and make and subscribe on each statement a certificate of such determination, and deliver the same to the secretary of state.

Att'y Gen. v. Jochim, 99 / 377; Rich v. State Canvassers, 100 / 458. The determination of the board is final. In case their determination is contested, the legislature only can decide.—Royce v. Goodwin, 22 / 501. As to when a new board can be compelled by mandamus to convene after the old board has gone out of office and canvass the returns anew, see Belknap v. State Canvassers, 95 / 155; Rich v. State Canvassers, 100 / 453.

Duty of secretary of state.

(209) § 3700. SEC. 73. The secretary of state shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination, so made and delivered to him by the board of state canvassers; and shall, without delay, make out and cause to be delivered to each of the persons thereby declared to be elected, a copy of such determination, certified by him under his seal of office.

Canvass of votes for electors of president, etc.

(210) § 3701. SEC. 74. For the purpose of canvassing and ascertaining the votes given for electors of president and vice president of the United States, the board of state canvassers shall meet on the Wednesday next after the third Monday of November, or on such other day before that time as the secretary of state shall appoint; and the powers, duties, and proceedings of said board, and of the secretary of state, in sending for, examining, ascertaining, determining, certifying, and recording the votes and results of the election of such electors, shall be in all respects, as near as may be, as hereinbefore provided in relation to sending for, examining, ascertaining, determining, certifying, and recording the votes and results of the election of state officers.

(211) § 3702. SEC. 75. The secretary of state shall, without delay, cause a copy of the certified determination of the board of state canvassers, declaring the persons elected as such electors, to be transmitted and delivered by special message or otherwise, to each of the persons so declared to be elected, which copies shall be certified under his hand and seal of office.

Delivery of copy of certificate of determination.

(212) § 3703. SEC. 76. For the purpose of canvassing and ascertaining the result of the vote upon any proposed amendment to the constitution, or approval of any banking law, or amendment thereof, the secretary of state shall appoint a meeting of the state board of state canvassers, to be held at his office, on or before the twentieth day of the month next after such election; at which meeting the said secretary shall lay before the board the statement received by him of the votes given in the several counties for or against such amendment to the constitution, or for and against the approval of such banking law, or amendment thereof, as the case may be.

Canvass of votes on amendment to constitution and banking law.

(213) § 3704. SEC. 77. The board shall then proceed to examine such statements, and to ascertain and determine the result, and shall make and certify, under their hands, a statement of the whole number of votes given for, and the whole number of votes given against, such amendment of the constitution, or for or against the approval of such banking law, or amendment thereof, as the case may be; and they shall thereupon determine whether such amendment to the constitution, or such banking law, or amendment thereof, as the case may be, has been approved and ratified by a majority of the electors voting thereon, and shall make and subscribe on such statement a certificate of such determination, and deliver the same to the secretary of state.

Board to ascertain and determine the result.

(214) § 3705. SEC. 78. The secretary of state shall record in his office, in a book to be kept by him for that purpose, such certified statement and determination; and if it shall appear that such amendment to the constitution, or such banking law, or amendment thereof, has been approved and ratified, as aforesaid, he shall also record such determination in the book in which the original act of the legislature is recorded, and shall cause any amendment to the constitution to be published with the laws enacted by the legislature at the next succeeding session thereof.

Determination to be recorded by secretary of state and published with laws.

(215) § 3706. SEC. 79. The secretary of state shall cause a copy of such determination and certificate of election to be published for two successive weeks in a newspaper published at the seat of government, immediately after receiving the same from the board of state canvassers.

Publication of determination of state canvassers.

(216) § 3707. SEC. 80. The said board of state canvassers shall have power to adjourn from day to day, for a term not exceeding five days.

Adjournment of state canvassers.

by section 3708, C. L. 1897, see the later enactment of 1909, section 466; constitutional provisions section 69, herein.

REPRESENTATIVE IN CONGRESS.

Representative in congress.

(217) § 3709. SEC. 82. A representative in the congress of the United States shall be chosen in each of the congressional districts into which the state is or shall be divided, at each general election; and if a representative in congress shall resign, he shall forthwith transmit a notice of his resignation to the secretary of state; and if a vacancy shall occur, by death, or otherwise, in the office of representative in congress, the clerk of the county in which such representative shall have resided at the time of his election shall, without delay, transmit a notice of such vacancy to the secretary of state.

Vacancy.

PRESIDENTIAL ELECTORS.

Number of electors.

(218) § 3710. SEC. 83. At the general election next preceding the choice of president and vice president of the United States there shall be elected by general ticket as many electors of president and vice president as this state may be entitled to elect of senators and representatives in congress.

Place and time of meeting.

(219) § 3711. SEC. 84. The electors of president and vice president shall convene in the senate chamber, at the capital of the state, at the hour of twelve o'clock noon, on the second Monday of January. If there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend by the hour of twelve o'clock at noon of said day, or on account of any two of the persons voted for as electors having received an equal and the same number of votes, or on account of the ineligibility of any person elected, or for any other cause, the qualified electors present shall proceed to fill such vacancy by ballot and plurality of votes. When all the electors shall appear or vacancies shall be filled as above provided, they shall proceed to perform the duties of such electors, as required by the constitution and laws of the United States.

Vacancies, how filled.

Duties.

Executive, duty of, etc.

(220) § 3712. SEC. 85. It shall be the duty of the executive of the state, as soon as practicable after the election of the electors by the final ascertainment under and in pursuance of the laws of the state providing for such election, to communicate under the seal of the state to the secretary of state of the United States his certificate of such ascertainment of the electors elected, setting forth the names of such electors and the canvass or other ascertainment under the laws of the state of the number of votes given or cast for each person for whose election any and all votes have been given or cast, and it shall also thereupon be the duty of the executive of the state to deliver to the electors of the state, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the

state. Such certificate shall be enclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of government the lists of all persons voted for as president and of all persons voted for as vice president.

Certificate transmitted to.

Sections 86-89 are superseded by Act 1 of 1869, for the election of U. S. senators. See sections 476-8.

MISCELLANEOUS PROVISIONS.

(221) § 3713. SEC. 90. Unorganized counties, with other parts of the state which may be attached to any organized county for judicial purposes, unless otherwise provided, shall be considered as a part of such organized county for all purposes concerning the election of officers who may be elected at a general or special election.

Unorganized counties.

Johnston v. Cathro, 51 / 83.

(222) § 3714. SEC. 91. The oath directed in this act to be taken by persons chosen to be inspectors, or appointed clerks of elections shall be in the form prescribed in the first section of the eighteenth article of the revised constitution of this state.

Oath of inspectors and clerks of elections.

See Art. xvi, 2, constitution of 1909.

(223) § 3715. SEC. 92. Each county canvasser and sheriff shall receive such reasonable compensation for their services while employed in the business of elections for county officers as shall be allowed by the board of supervisors or county auditors, to be paid by the county.

Compensation of certain officers.

(224) § 3716. SEC. 93. Each district canvasser or other person except county clerks, employed in canvassing and returning the result of the elections required by law to be certified by district canvassers to the board of state canvassers, shall receive such compensation therefor as the board of supervisors of their several counties shall deem reasonable, to be paid out of the treasury of such counties.

Compensation of district canvassers, etc.

(225) § 3717. SEC. 94. During the day on which any election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election.

No civil process to be served on election day.

(226) § 3718. SEC. 95. The person holding any office, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when any person shall be elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Term of office.

Term, when elected to fill vacancy.

MUNICIPAL AND TOWNSHIP ELECTIONS.

An Act to prescribe the manner of conducting municipal and township elections and to prevent fraud and deception thereat.

[Act 194 of 1891.]

The People of the State of Michigan enact:

To be governed by general law, etc.

(227) § 3658. SECTION 1. That all elections hereafter held in the various cities, villages and [townships] township in this state, shall be in conformity with the provisions of the laws governing general elections so far as the same shall be applicable thereto, and all the provisions of such laws relative to the boards of election inspectors, the arrangement of polling places, the manner of voting and receiving votes, and the canvass and declaration of the result of such election, are hereby made applicable to such municipal and township elections, but the time for the opening and closing of the polls shall not be affected thereby.

Who to be election commissioners, etc.

(228) § 3659. SEC. 2. The township board of each township, and such persons as shall be elected therefor by the common councils of the various cities and villages in this state, shall be the board of election commissioners for such township, city, or village respectively, and shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties, and like duties and privileges as are enjoined and granted by the laws governing general elections upon the various committees of the different political organizations are hereby prescribed for the city, village, or township committees in elections held pursuant hereto; except that it shall not be necessary for the committees of the different political organizations to furnish a vignette or heading for the ballots other than to designate the name of the party or political organization which they represent.

Vignette not necessary, etc.

ELECTION COMMISSIONERS: Peck v. Supervisors, 102 / 355. The board cannot print upon the ballot the name of a candidate not nominated by an assemblage or meeting of electors.—Chateau v. Jacob, 88 / 171.

Committees to furnish names, etc.

(229) § 3660. SEC. 3. In municipalities governed by this law, the names of candidates shall be given by the committees of the various political organizations to the board of election commissioners of such municipality not less than five days before each election, and the proof copy of the ballot shall be open to the inspection of the chairman of each committee at the office of the township clerk, and city or village clerk or recorder, not less than two clear secular days before such election.

Otto v. Brissette, 137 / 719.

IDENTIFYING BALLOTS OF UNQUALIFIED VOTERS.

An Act further to preserve the purity of elections, and guard against abuses of the elective franchise, by providing for the identification of the ballots of unqualified voters, in cases of contested elections.

[Act 180 of 1877.]

The People of the State of Michigan enact:

(230) § 3719. SECTION 1. That at every general, special, township, and charter election in this state, it shall be the duty of the inspectors of election of each voting precinct, to cause to be numbered in figures, and in numerical order, the name of every person entered upon the poll lists required by law to be kept at such election; which figures shall be placed against the names on such poll lists at the time of the entry of said names thereon.

Names on poll list to be numbered in figures.

(231) § 3720. SEC. 2. Whenever, at any general, special, township or charter election, in this state, the ballot of any person who has been challenged as an unqualified voter, and who has taken the oath provided by law in such case to be taken, shall be received by the inspectors of election, it shall be the duty of said inspectors to cause to be plainly endorsed on said ballot, with pencil, and in the manner hereinafter provided, before depositing the same in the ballot box, the number corresponding to the number placed against such voter's name on the poll lists; and it shall further be the duty of such inspectors to cancel all other figures appearing on the back of said ballot, without opening the same: Provided, That in case a ballot shall be so folded, defaced, printed or prepared that such number cannot be legibly and permanently written on the back thereof, it shall be the duty of said inspectors to refuse to accept such ballot.

Endorsement of number on ballot in case of challenge.

Other figures to be canceled.

Proviso, ballots defaced, etc., to be refused.

The provisions of this and the following section for the identification of challenged ballots remain unrepealed, but votes by the machine cannot be identified under any provisions of the statute.—Henderson v. Saginaw Election Com'rs, 160 / 36.

(232) § 3721. SEC. 3. To prevent the identification of said ballot, except as hereinafter provided, it shall be the duty of the inspectors of election to cause to be securely attached to said ballot, with mucilage or other adhesive substance, a slip or piece of blank paper, of the same color and appearance, as near as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said endorsement, but not to injure or deface the same; and if any inspector, clerk, or other officer of an election shall afterward expose said endorsement, or remove the said slip of paper covering the same, or attempt to identify the ballot of any voter, or suffer the same to be done by any other person, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be amenable to the provisions of compiler's section

Endorsement to be concealed with blank paper.

Penalty for exposing endorsement.

seven thousand seven hundred and sixty-nine of the compiled laws of eighteen hundred and seventy-one.

The section above referred to is section 370 *infra*.

Proceedings
in case of
contested
election.

(233) § 3722. SEC. 4. In case of a contested election, on the trial thereof before any court of competent jurisdiction in this state, it shall be competent for either party to the cause, to have produced in court the ballot boxes, ballots and poll lists used at the election out of which the cause has arisen, and to introduce evidence proving or tending to prove that any person named on such poll lists, was an unqualified voter at the election aforesaid, and that the ballot of such person was received as provided in section two of this act; and on such trial, the correspondence of the number endorsed on a ballot as herein provided, with the number against the name of any person on the poll lists, shall be received as *prima facie* proof that such ballot was cast by such person: Provided, That the ballot of no person shall be inspected or identified, under the provisions of this act, unless such person shall consent thereto in writing, or unless such person has been convicted of falsely swearing in such ballot, or unless the fact that such person was an unqualified voter, at the time of casting such ballot, has been determined as provided in section five of this act.

Proviso, in-
spection of
ballot.

People v. Kamps, 129 / 217.

Proceedings
after issue
joined.

(234) § 3723. SEC. 5. After issue joined in any case of contested election, either party to the cause may present a petition to the court before which the said cause is to be tried, setting forth among other things, that the petitioner has good reason to believe and does believe that one or more voters at the election out of which the cause has arisen, naming him or them, and stating his or their place of residence, were unqualified to vote at such election; that he believes the same can be established by competent testimony; that the ballot or ballots of such voter or voters were received after being challenged, as provided by law, and praying that the court may try and determine the question of the qualification of such voter or voters to vote at said election, which petition shall be verified by the oath of the petitioner or some other person acquainted with the facts; and thereupon the court shall direct an issue to be formed, within a time to be fixed therefor, for the purpose of determining the question of the qualification of the voter or voters named in said petition, to vote at said election; and such issue shall stand for trial as in other cases, and the verdict of the jury or judgment of the court upon such issue so made shall be received upon the trial of the principal issue in said cause, as conclusive evidence to establish or to disprove the said qualifications of said voter or voters.

Issue to deter-
mine qualifica-
tion of voter.

See notes to section 163.

(235) § 3724. SEC. 6. On said trial, it shall be the duty of the judge presiding thereat, and of no other person, to remove from all ballots the slips of paper concealing the said endorsements until all ballots are found having thereon the numbers agreeing with the numbers against the names of such persons on the poll lists as have been proved unqualified voters as aforesaid, and immediately thereafter to replace slips of paper upon all other ballots from which he has taken the same, in the same manner as is provided in section three of this act, for the inspectors of election.

Judge to remove slips over endorsement.

To replace slips.

CHAPTER IV.—CANVASS AND RETURN OF VOTES.

COUNTY CANVASSERS.

An Act to provide for the election of a board of county canvassers, to prescribe the term of office and the powers and duties thereof, and to repeal all acts and parts of acts contravening the provisions of this act.

[Act 149 of 1895, as amended.]

The People of the State of Michigan enact:

(236) § 3662. SECTION 1. That at the regular annual meeting of the board of supervisors of each organized county in the state of Michigan, for the year eighteen hundred ninety-six and each second year thereafter, there shall be elected by ballot three electors, neither of whom shall be a candidate for office at the general election ensuing, who together with the county clerk, who shall not be entitled to a vote on said board, shall be and are hereby constituted a board of county canvassers: Provided, That no person shall be eligible to membership on said board of canvassers who is a member of said board of supervisors. And it shall be the duty of the clerk of said board of supervisors to notify said electors of their election within five days thereafter. Said board of supervisors shall, at the time of electing such board of county canvassers, fix the amount of their compensation, which shall not exceed four dollars per day for each member of said board, which shall be paid by the county treasurer upon the warrant of the county clerk: Provided, That in Wayne county said board of county canvassers shall consist of five members, as follows: The probate judge, who shall be the presiding officer of such board; the county treasurer, with the two members of the board of Wayne county auditors having the longer term to serve, and one other citizen elector to be chosen by a plurality viva voce vote of the board of supervisors of said county at their regular annual meeting. Said board of supervisors shall, at the same time and in the same manner, elect an alternate member of said board, who

When supervisors to elect canvassers by ballot.

County clerk to be a member of board. Proviso.

Supervisors to fix compensation.

Proviso as to Wayne county.

will be entitled to serve as a member of said board in case of a vacancy on said board on account of disability, absence or other cause.

Am. 1899, Act 224.

See section 249 for an act to provide special canvass of votes for state senators and representatives.

The above act supersedes sections 43-48 of the act of 1851.

Oath required
of canvassers.

(237) § 3663. SEC. 2. Each member of said board of county canvassers shall qualify by taking the oath of office required of inspectors of election, to be administered by the county clerk, and shall hold office for a term of two years, or until his successor is appointed and shall have qualified.

Term of office.

When board
to convene.

(238) § 3664. SEC. 3. It shall be the duty of said board of county canvassers to convene at the office of the county clerk on the first Tuesday after the first Monday following each election in said county, before the hour of one o'clock p. m., and to elect one of their number to act as chairman, except as is especially provided in section one of this act. The county clerk shall act as clerk of said board, but, in the event of his unavoidable absence, the board may select one of his deputies to act in his stead. In case of any vacancy on said board, by reason of absence or disability under the provisions of this act, it shall be filled by the members of the board present, who shall select some person or persons eligible to have been elected in the first instance, as set forth in section one of this act.

County clerk
to be clerk of
board.

Vacancy, how
filled.

Am. 1899, Act 224.

Board of
county can-
vassers to
canvass
returns.

(239) § 3665. SEC. 4. The said board shall then proceed without delay to canvass the return of votes cast for all candidates for office voted for and all other questions voted on at said election, according to the returns filed in the office of the county clerk by the several boards of election inspectors of the various voting precincts in the county, and the returns or tally sheets filed with the board of canvassers by the central counting board in counties where a central counting board is provided for counting the ballots cast in said county or any part thereof in lieu of their being counted by the election inspectors of the voting districts. If it shall be found, upon the convening of said board of canvassers that the returns from any of the boards of election inspectors of the several election districts, or the returns of such central counting board are missing, incomplete, or incorrect, or for any other reason it is found necessary, then said board of county canvassers shall have power to adjourn from day to day until said returns shall have been procured or corrected. Said board of canvassers are hereby empowered to summon the person or persons having the boxes containing the ballots cast at such election and the keys and seals of said boxes, or having such returns or the poll books or tally sheets used and made at such elections, to bring said boxes, keys, seals, re-

May adjourn.

May summon
to appear,
persons hav-
ing charge of
boxes, etc.

turns, poll books and tally sheets before said board and said board of canvassers are authorized to open said boxes and take therefrom any books or papers bearing upon the count and return of the election inspectors of such election districts or the returns of such central counting board, but they shall not remove or mark the ballots therein. Said board of canvassers may summon such election inspectors, or central counting board, before them, and require them to make correct returns in case, in its judgment, after examining such returns, poll books or tally sheets, the returns already made are incorrect or incomplete, and they shall canvass the votes from the corrected returns. When the examination of such papers is completed the same shall be returned to the ballot boxes or delivered to the persons entitled by law to the same, and the boxes shall be locked and sealed and delivered to the legal custodians thereof. When said canvass shall have been finished, the said board of county canvassers shall prepare a statement setting forth their findings in the premises, and giving in detail the number of ballots cast for each candidate and the result of the votes cast on all other questions voted on at said election. They shall certify thereto, under their hands, and the seal of the circuit court of the county. It shall also be the duty of said board to declare the result of the election for county officers and members of the legislature, when the county alone constitutes one or more senatorial or representative districts, and to publish said result and a statement of votes cast, within thirty days after said election is held, in at least two newspapers printed and circulating in said county.

May open boxes, etc.

May summon inspectors to appear and make correct returns, etc.

When boxes and papers to be returned.

To prepare statement of result.

How certified.

Declaration of result.

Result, how published.

Am. 1899, Act 224; 1901, Act 67; 1905, Act 43.

DUTIES OF BOARD: Under the old law it was held that the statute relating to the duties of the board of county canvassers evidently contemplated that the board should proceed promptly to determine the result of the election, and that no adjournment, except for the purpose of having returns corrected, be made.—*Newton v. Canvassers*, 94/457. The duties of canvassing boards are simply ministerial.—*People v. Van Cleve*, 1/386. They are bound by the returns and cannot go behind them, especially for the purpose of determining questions of fraud in the election.—*McQuade v. Furgason*, 91/438; *Coll v. Board*, 83/367; *Roemer v. Board*, 90/27. Where a canvassing board canvassed the votes as reported by the inspectors of election in a second or substituted return made after the filing of the original return, mandamus will lie to compel a re-canvass from the original return.—*Roemer v. Canvassers*, 90/30. As to the powers and duty of county canvassers in canvassing the returns of an election to locate a county seat, see *Att'y Gen. v. Canvassers*, 64/611. As to canvass of votes for state and county officers, presidential electors, members of congress and members of legislature, see *Pound v. Bd. of Canvassers*, 120/181.

See notes to section 152.

(240) § 3666. SEC. 5. If it shall appear on the canvass of the votes polled at such election for members of the legislature or county officers, that two or more persons have received an equal number of votes for the same office, and that a failure to elect to any office is caused thereby, such persons shall proceed to draw lots for the election to said office, in the following manner: The board of canvassers for the county or district in which such election was held, shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of de-

When two persons have equal number of votes.

Method of
drawing lots.

termining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested. The officer before whom such drawing is to take place shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as near alike as possible. Said slips shall be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box; and any such person drawing a slip on which is written the word "elected," shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election. If the drawings under the provisions of this section are for the office of senator or representative in the state legislature, and the district exceeds the limits of a single county, then the drawing shall take place before the county clerk of the county where the district canvass is held; in all other cases before the county clerk of the county where each case shall arise: Provided further, That in cases where the office of county clerk is in question the drawing shall take place before the sheriff of the county.

If for senator
or representa-
tive in legis-
lature.

When office of
county clerk
is in question.

County clerk
to forward
copies of
canvass.

(241) § 3667. SEC. 6. It shall also be the duty of said clerk of the board of county canvassers, within five days from the time of the completion of said canvass, to send by registered mail three certified copies of the same, so far as it shall relate to the vote for state officers, electors for president and vice president of the United States, members of congress of the United States, state senators, representatives in the state legislature, and amendments to the constitution, together with a certificate of authenticity signed by himself and the chairman of the board of canvassers; one to the governor, one to the secretary of state, and one to the state treasurer. The original shall be kept on file in the office of the county clerk.

To whom
copies are to
be forwarded.

Secretary of
state to re-
ceive copy
upon request.

(242) § 3668. SEC. 7. It shall be the duty of the county clerk to furnish certified copies of the original of said canvass on file in his office to the secretary of state upon the request of said secretary of state, and without charge. And if upon receipt of said certified copies by the secretary of state, there shall appear to be clerical errors in the same, it shall be the duty of the county clerk, upon written request of the secretary of state so to do forthwith prepare corrected copies of said original canvass on file in his office and transmit the same in the manner prescribed in section six of this act.

Penalty for
failure by
county clerk.

(243) § 3669. SEC. 8. In case the clerk of the board of county canvassers shall neglect or refuse to perform, in the manner herein prescribed, any of the duties hereinbefore set forth, he shall be deemed guilty of a misdemeanor, and upon

conviction shall be liable to pay a fine of not less than fifty nor more than two hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days.

(244) § 3670. SEC. 9. Any member of said board of county canvassers who shall knowingly violate any of the provisions of this act or shall wilfully neglect or refuse to perform any duties enjoined upon him hereby, or shall sign any fraudulent return, or shall change any word, letter or figure in said returns as made by the board of canvassers, except as hereinbefore provided, with intention to defraud, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars or imprisonment in the state prison not to exceed five years, or both such fine and imprisonment in the discretion of the court.

Penalty in case of failure or fraudulent returns.

(245) § 3671. SEC. 10. Any candidate voted for at any election at which state, county or district officers are voted for, who conceives himself aggrieved on account of any fraud or mistake in the canvass of the votes by the inspectors of election or the returns made by said inspectors, may, on or before the close of the last day upon which the board of county canvassers meet, present to, and file with the clerk of such board, a written petition which shall be sworn to, setting forth as near as may be the nature of the mistakes or frauds complained of, and the township, ward or district in which they occur, and asking for a correction thereof. He shall, at the same time deposit with the clerk of said board the sum of ten dollars for each and every township, ward or district referred to in his petition: Provided, That no candidate shall be required to deposit more than one hundred dollars, which sum shall be paid in case such petitioner does not establish a fraud or mistake as set forth in his petition by the clerk of the board of county canvassers to the county treasurer, for the use of the county.

Candidate conceiving himself aggrieved.

May petition for correction, when.

Deposit required.

Deposit forfeited when case not established.

Held, that a candidate for a state office, such as circuit judge, is not entitled to a recount under this act.—Pound v. Board of Canvassers, 120/181; Att'y Gen. v. Campbell, 130/285; Att'y Gen. v. Campbell, 132/82. See Bradley v. St. Board of Canvassers, 154/274.

(246) § 3672. SEC. 11. Upon filing the petition and making the deposit required in the preceding section, and giving at least twelve hours' written notice thereof to the opposing candidate, by handing to such candidate a copy thereof, or, if such candidate cannot be found, by leaving such copy at his last place of residence, it shall be the duty of such board of canvassers to investigate the facts set forth in said petition. For such purpose the said board shall have power to cause the ballot boxes used in such election districts to be brought before them. The board shall, thereupon, in some public place where such candidates and their counsel may be present, if they so desire, proceed forthwith to open the ballot boxes from such districts, townships or wards, and to make a recount thereof as to such candidates, and make cor-

Board to investigate petition, when.

Board to recount votes in public and make return.

Ballots to be returned to boxes.

Return of recount to be deemed correct.

rect and full return in writing under their hands to said board, showing the full number of votes given, the names of the candidates, and the number of votes given to each, written out in words and figures as upon the ballot. As soon as the recount is completed, said board shall, at once, return the ballots to their respective boxes, carefully fasten and seal the same, and deliver them to the officer having the care and custody thereof. The returns made by the said board of canvassers upon recount shall be deemed to be correct, anything in the previous return from such township, ward or district, to the contrary notwithstanding.

See citations under previous section.

Candidates may appeal to circuit court, when.

Deposit to be refunded, when.

Act to apply to special elections.

(247) § 3673. SEC. 12. Any candidate not receiving a certificate of election, may, for error apparent upon the face of the returns, have the same examined and corrected upon certiorari to the circuit court of the county according to the rules and practices applicable to such rights. In all cases where, by reason of such recount, the petitioner succeeds in establishing fraud or mistake as set forth in his petition, and receives a certificate of election, the money deposited by him shall be refunded. For fraudulent or illegal voting, or tampering with the ballot boxes before a recount by the board of canvassers, the remedy by quo warranto shall remain in full force together with any other remedies now existing.

(248) § 3674. SEC. 13. The provisions of this act shall apply to special elections to fill vacancies in any of the offices mentioned in section four of this act, and at all elections at which any proposition shall be submitted to the electors of any county.

Section 14 repeals "All acts or parts of acts contravening the provisions of this act."

SPECIAL CANVASS FOR STATE SENATOR AND REPRESENTATIVE TO FILL VACANCIES.

An Act to provide for a special canvass of votes cast in elections to fill vacancies in the office of state senator and representative held during a session of the legislature.

[Act 24 of 1895.]

The People of the State of Michigan enact:

Board of canvassers, when to meet.

(249) § 3691. SECTION 1. That in case of a special election held to fill a vacancy in the office of state senator or of representative in the state legislature during a session of the legislature, the board of county canvassers shall meet on the Thursday next succeeding the day on which the election is held, and the board of district canvassers shall meet on the succeeding Saturday, and shall make the canvass and declare the result of such election as now provided by law in case of general elections in this state.

UNIFORMITY IN RETURNS.

An Act to secure uniformity in election returns.

[Act 49 of 1867.]

The People of the State of Michigan enact:

(250) § 3733. SECTION 1. That the secretary of state be required to prepare and transmit, at least sixty days before any general or special election at which other than township officers are to be elected, to the several county clerks, suitable blank forms, to enable inspectors of elections and township or city clerks to make returns of elections to the respective county or district board of canvassers. Secretary of state to furnish blanks.

(251) § 3734. SEC. 2. That the several county clerks shall, after receiving the blank forms, and at least ten days before any general or special election, at which officers shall be elected requiring the transmission of a statement of votes to a board of canvassers, deliver to the several township or city clerks of their respective counties a sufficient number of such blank forms to enable said township or city clerks and inspectors of elections to make returns of such general or special election to the respective boards of canvassers as required by law. Duty of county clerks.

CORRECTION OF FRAUDS AND ERRORS IN RETURNS.

An Act to provide for the correction of frauds and mistakes in the canvass and returns made by inspectors of elections.

[Act 208 of 1887, as amended.]

The People of the State of Michigan enact:

(252) § 3725. SECTION 1. That any candidate voted for at any election, conceiving himself aggrieved on account of any fraud or mistake in the canvass of the votes by the inspectors of election, or in the returns made, may (within three days after the conclusion of a township canvass, if a township office) or on or before the close of the last day upon which the board of city canvassers meet, if a city or ward office, or board of village canvassers, if a village office, present to and file with the clerk of such board a written petition, which shall be sworn to, setting forth, as near as may be, the errors, mistakes or frauds complained of, and the township, ward or village in which they occur, and asking for a correction thereof. He shall at the same time deposit with the clerk of said board the sum of ten dollars for each and every township, ward or village referred to in his petition; Petition for correction of canvass, to whom made, etc.

Provided, That no candidate shall be required to deposit more than one hundred dollars, which sum shall be paid in case such petitioner does not establish a fraud or mistake, as set forth in his petition, by the clerk of the board of city canvassers, to the city treasurer for the use of the city and by the clerk of the village to the village treasurer and by the township clerk to the township treasurer for the use of the city, village or township, as the case may be. Upon filing such petition, making such deposit and giving at least twelve hours' written notice thereof to the opposing candidate by handing to such candidate a copy thereof, or if such candidate cannot be found, by leaving such copy at the last place of residence, it shall be the duty of such board of canvassers to proceed to make an investigation of the facts set forth in said petition. For which purpose the clerk, if no meeting be already appointed, shall call a meeting of such board of canvassers and the said board shall have power to cause the ballot boxes used in such election districts to be brought before them. The said board shall thereupon appoint a committee of their own number as follows: The said board shall designate a member who shall be the chairman of said committee, the candidate presenting such petition and the candidate opposed thereto shall each choose a member, and if such candidates, or either of them, decline to choose a member, then the board shall designate, and the three thus chosen shall constitute a committee to investigate the errors, mistakes or frauds complained of. Said committee shall, in some public place, where such candidates and their counsel may be present, if they so desire, without unnecessary delay proceed to open the ballot boxes from such village, townships or wards, and to make a recount thereof as to such candidates, and make correct and full returns in writing under their hands to said board, showing the whole number of votes given, the names of the candidates, and the number of votes given to each, written out in words and figures as upon the ballots. Said committee, upon making such recount, shall at once return the ballots to their respective boxes, carefully fasten and seal the same and deliver them to the officer having the care and custody thereof. Said board of canvassers, upon receiving the report of such committee, shall accept the same as correct, anything in the previous declaration, certificate or returns from such township, ward or village to the contrary notwithstanding. Any candidate not receiving a certificate of election, may for errors apparent upon the face of the returns have the same examined and corrected upon certiorari to the circuit court of the county, according to the rules and practice applicable to such writs. In all cases where, by reason of such recount, the petitioner succeeds in establishing a fraud or mistake, as set forth in his petition, and receive a certificate of election, the money deposited by

Proviso, limiting amount of deposit.

When board of canvassers to make investigation.

Clerk to call meeting of board.

How committee on investigation appointed.

Committee to make recount of ballots.

Ballots to be returned to boxes.

Report of committee to be accepted as correct.

Appeal to circuit court.

When deposit to be returned to petitioner.

him shall be refunded. For fraudulent or illegal voting, or tampering with the ballot boxes before a recount by the board of canvassers, the remedy by quo warranto shall remain in full force, together with any other remedies now existing. The usual final adjournment of a township board of canvassers shall be deemed subject to the recall of the board as herein provided.

Remedy for fraudulent voting, etc.

Final adjournment subject to recall.

PURPOSE OF THE LAW: It was intended by this act to give a party aggrieved by the action of the inspectors of election and the board of city canvassers the right to a recount of the votes cast for and against him for the office for which he was a candidate, in the first instance at least, if he should desire it, without resort to proceedings by quo warranto.—*McKenzie v. Canvassers*, 70/151; *May v. Canvassers*, 94/510. The evident purpose of this act was to provide for a recount antecedent to the determination by the county canvassers of the number of votes cast for the office as to which the recount is applied for. It was clearly intended that, in case of various contests arising before the board, different committees could be appointed and the count in all cases proceed at once. The board acting on a contest may well be held to constitute a special tribunal, when in session, only for the purpose of considering such contest. It was not the legislative intent that a presentation of the application to the body, when so acting, and after a full performance and determination of the result as to the candidates for other offices should entitle the party presenting such petition to a recount.—*Newton v. Canvassers*, 94/458. Electors are not to be deprived of the result of their votes by the mere mistakes of election officers which do not appear to have affected the result. But, on the other hand, where fraud appears upon the part of the inspectors, the voter must sometimes be deprived of his vote; and this must always be the case where mandatory provisions of the election law are disregarded, if the result would be thereby changed.—*Att'y Gen. v. Stillson*, 108/419. The board of canvassers, on return of the report of a recount committee appointed under this section, are under no duty to correct errors of the committee not shown on the face of their report.—*Atwood v. Sault Ste. Marie*, 141/295.

The only way to try titles to office finally and conclusively is by quo warranto.—*Frey v. Michie*, 68/324. *Lachance v. Mackinac Co. Canvassers*, 157/679.

Where respondent, a candidate for election as supervisor, was also a member of the board of election canvassers, and signed the report of a recount declaring respondent elected, but a majority of the board without counting respondent signed the report, it was valid and conclusive of the facts stated therein.—*Miner v. Beurmann*, 165/672.

ENFORCEABLE BY MANDAMUS: The right to a recount, upon compliance with the provisions of this act, is enforceable by mandamus.—*May v. Canvassers*, 94/510; *McKenzie v. Canvassers*, 70/147; *Packard v. Canvassers*, 94/450.

APPLICATION TOO LATE: An application by a candidate for supreme judge to a board of county canvassers under this act made on the last day on which the state canvassers can canvass the returns and issue the certificate of election, is not in time.—*Newton v. Canvassers*, 94/455; *Drennan v. Com. Council*, 106/117.

WHEN ACT DOES NOT APPLY: This act and the next following do not apply in the case of members of a common council in a city whose council is made the sole judge of the election of its members.—*Weston v. Probate Judge*, 69/600; *Naumann v. Canvassers*, 73/252; *Aud. Gen. v. Supervisors*, 89/567; *Hilton v. Grand Rapids Com. Council*, 112/500. But these acts apply in cases where the council is not made by the charter the judge of the election and qualification of its own members.—*McKenzie v. Canvassers*, 70/147. These acts do not apply to the office of state senator.—*Wheeler v. Canvassers*, 94/448. Nor congressmen.—*Belknap v. Canvassers*, 94/516. Nor circuit judge.—*Vance v. Canvassers*, 95/462.

EFFECT OF RECOUNT MADE: When the board has recounted and declared the result, it becomes functus officio and the remedy of the party claiming to be aggrieved is by a quo warranto proceeding to test the validity of the election.—*Packard v. Canvassers*, 94/451.

VOTING MACHINES: Application of this section when voting machines are used.—*Trumbull v. Bd. of Canvassers*, 140/537.

See also *Lamoreaux v. Att'y Gen.*, 89/146; *Johnson v. Bd. of Canvassers*, 101/191; *Keith v. Wendt*, 144/49; *Ward v. Culver*, 144/57, 71.

PRESERVATION OF EVIDENCE OF ERROR OR FRAUD.

An Act to preserve evidence of error or fraud in the counting of ballots and in elections [election] returns, and in the count of inspectors of elections [election] and the declaration of the board of canvassers in contested elections.

[Act 293 of 1887.]

The People of the State of Michigan enact:

Petition to probate judge of candidate intending to contest election.

Proviso as to filing petition.

(253) § 3726. SECTION 1. That any candidate voted for at any election in this state intending to contest the same, may, after the decision of the board of canvassers and without waiting to commence quo warranto proceedings, by petition to the probate judge of the county in which the election is held, cause the ballot boxes, or such number of them as he may specify in his petition, to be brought before the board of examiners created by section six of this act, and by said board to be opened and the ballots therein counted: Provided, That at the time of filing such petition he shall deposit thirty dollars with such judge of probate, which amount shall be disposed of as hereinafter provided.

See notes to preceding act. The supreme court has held this act too defective to be executed, unless by common consent.—*Andrews v. Probate Judge*, 74 / 278.

PETITION: The petition must show whom the canvassers have decided to be elected in order that notice of the contest may be given him.—*Andrews v. Probate Judge*, 74 / 278.

This act does not apply to a city whose common council is charged with the duty of canvassing the votes cast for, and given the exclusive right to determine the election, and qualification of, the officers whose election is sought to be contested, which duty it has discharged, and right exercised, without objection by any one.—*Weston v. Probate Judge*, 69 / 600; *Nau-mann v. Board of City Canvassers*, 73 / 525.

See *Hilton v. Gd. Rapids Com. Council*, 112 / 501.

What petition shall set forth.

(254) § 3727. SEC. 2. Said petition shall set forth that the petitioner was a candidate for the office claimed by him, and by him intended to be contested, and that he received votes therefor; that he has good reason to believe and does believe either—

First, That there was error or fraud in the count or in the returns of the inspectors of elections; or,

Second, That there was error or fraud in the count or determination of the board of canvassers; or,

Third, That there was error or fraud in both, and that it is his bona fide intention to contest the count and returns of the inspectors of election, or the count or determined result of the board of canvassers of said election, or of both, and further stating that he believes that unless the ballot boxes are opened and the ballots therein counted without unnecessary delay his rights will be jeopardized. Said petition shall be in writing, and shall be subscribed and sworn to by the petitioner, or by some one in his behalf, and a copy thereof shall be served upon the person or persons who were candidates for said office at said election.

Andrews v. Judge of Probate, 74 / 278.

(255) § 3728. SEC. 3. Upon the filing of said petition the probate judge shall notify the members of the board of examiners created by section six of this act of the filing of the said petition and shall in the notice appoint a time and place for the board of examiners to meet, and shall issue an order causing the ballot boxes to be brought before the board of examiners created by section six of this act at a place and at a time specified in the order, which shall not be less than two, nor more than ten days from the issuing thereof; and a copy of said order shall be served upon the persons whose election is to be contested, and also upon the officer in whose custody is kept the ballot boxes of said election, whose duty it shall be to produce said boxes before said board of examiners at the time and place named in said order.

Duty of probate judge upon filing petition.

This act is too defective to be carried into execution except by common consent, in this: (a)—No provision is made for the appointment of a time when the board of examiners will be appointed, or for the notice to the successful candidate to appear and take part in the formation of the board. (b)—There is no provision for a case where the examiners appointed refuse to serve nor any requiring them to take an oath before proceeding to the discharge of their duties. (c)—The act should require the inspectors entrusted with the key and election seal, as well as the clerk, to appear before the board of examiners.—*Andrews v. Judge of Probate*, 74 / 278.

(256) § 3729. SEC. 4. Upon the day and at the place specified in the order the boxes shall be brought before the board of examiners created by section six in [of] this act, and opened by and in the presence of the board of examiners and the judge of probate, and the ballots therein shall be counted by said board. And the board of examiners above mentioned shall proceed to count the ballots in said boxes, and continue the same from day to day until the completion of the count thereof, and shall make a statement in writing of the result of the said count, and each member thereof shall sign the same, and it shall be sworn to by each member of said board before the judge of probate and the said sworn statement shall be deposited by the judge of probate in the office of the county clerk, and shall be conclusive evidence in any subsequent proceeding at law of the ballots cast in boxes so opened.

When ballot boxes to be brought before the board of examiners, etc.

Andrews v. Probate Judge, 74 / 285.

(257) § 3730. SEC. 5. After the ballots are counted they shall be placed back in the boxes and sealed up by said board and returned to the officer who is by law entrusted with the custody thereof.

Ballots, after being counted, shall be sealed.

(258) § 3731. SEC. 6. The board of examiners to carry into effect the provisions of this act shall consist of three persons, who shall be electors of the county in which proceedings are had, one appointed by the candidate presenting such petition, one by the candidate opposed thereto, and one by the judge of probate. They shall sit together before the judge of probate [probate judge] at the time and place specified in his order, and said probate judge shall preside over all meetings

Board of examiners, of whom to consist, etc.

Proviso.

of said board in accordance with the provisions of this act. If the candidate presenting such petition or the candidate opposed thereto shall decline to so choose a member then the judge of probate shall designate, and the three thus chosen shall constitute the board of examiners: Provided, however, That when there is a recount demanded of the ballots cast for the office of judge of probate then the county clerk shall serve in the place of the judge of probate and perform the duties herein imposed upon the judge of probate in other cases.

When fee deposited with judge to be returned to contestant.

(259) § 3732. SEC. 7. Whenever a contestant, in the opinion of the board of examiners created under this act, establishes the truth of his allegations in his petition for a recount, the fee of thirty dollars deposited with the judge of probate as provided for in section one shall be returned to him. If he does not establish the truth of his allegations, then in such case the fee shall be paid to the county treasurer to be put into the contingent fund of the county.

Section 8 repeals "All acts or parts of acts contravening the provisions of this act."

CHAPTER V.—ELECTION DISTRICTS IN TOWNSHIPS AND VILLAGES.

An Act relative to dividing townships and villages into election districts and to provide for the registration of electors in such cases.

[Act 203 of 1877.]

The People of the State of Michigan enact:

Townships, division of.

Proviso.

(260) § 3582. SECTION 1. In any township in the state of Michigan the township board thereof may divide said township into two or more election districts: Provided, That such division be made at least twenty days previous to the first general election or township meeting thereafter and a diagram of the boundaries of each district be posted therein in three or more public places with a plain description and the number of the same not less than fifteen days previous to such election or township meeting and by publishing said notice in some newspaper of general circulation in the district affected, weekly for at least three weeks previous to such election or township meeting: Provided further, That no township shall be so divided unless it contains at least three hundred electors, or contains more than one surveyed township, either entire or fractional, as determined by the government survey thereof.

Further proviso.

Am. 1911, Act 13.

(261) § 3583. SEC. 2. The township board of such township shall enter upon their record the boundaries and number of each of said election districts, commencing at number "one," and shall have power to change the same, and shall give like notice of such change, before the next general election or township meeting as required by section one of this act for establishing the boundaries of such district. They shall also give six days' notice of the place in each district of holding the first election or township meeting therein.

Boundaries and numbers to be entered on record.

Notice of first election.

(262) § 3584. SEC. 3. The township officers of said township, who, by existing laws, constitute the board of inspectors of election in said township, shall be the board of inspectors of election in election district numbered "one" therein, and two justices of the peace and the treasurer of said township shall be the board of inspectors of election in election district numbered "two," and in case there shall be more than two election districts in any township the township board shall for the remaining districts appoint three freeholders, who shall be residents and qualified electors of the district in which they shall serve, to constitute a board of inspectors of election in such remaining district, and shall hold their office until their successors are elected and qualify, and shall be known as "district inspectors of election." The manner of such election of inspectors shall be by ballot as for township officers chosen by ballot, and the ballot shall contain the name of the person voted for and the words "inspector of election" added thereto, and the three persons receiving the highest number of votes in said district for said office shall be the board of inspectors of election for the ensuing year in such district, and until their successors are elected and qualify.

Boards of inspectors of elections in election districts.

Manner of electing inspectors.

(263) § 3585. SEC. 4. The boards of inspectors of each district shall be inspectors of elections in each election or township meeting held therein. They shall appoint one of their number chairman of the board, shall administer oaths, make appointments, and have the same powers and authority for preserving order and enforcing their commands and all other powers for proceeding with the elections in said district, and shall conduct the elections therein, in the same manner as now or hereafter directed by law for township inspectors of general elections held in this state, unless herein otherwise provided. They shall receive the same compensation of township inspectors from the township, and before entering upon their duties shall take and subscribe the oath of office prescribed by the constitution.

Inspectors of election, their powers and duties.

Compensation and oath of office.

(264) § 3586. SEC. 5. The electors of each district shall vote in the respective districts in which they reside, and for which they are registered, except such as are required to act as inspectors of election, who may vote at the polls where they act as inspectors.

Electors to vote in district in which they reside.

(265) § 3587. SEC. 6. The board of registration shall complete the registration of electors in each district in sepa-

Registration of electors.

rate district registers, and shall transcribe to such district register from the township register the names of such electors as they know are qualified electors and residents of such district, and shall cause such district register to be present at every meeting of the district board of registration and at every election held in such district. The two justices of the peace whose terms of office shall last expire shall constitute the board of registration in said election district number two, and the said board of registration shall hold meetings for the registration of the qualified electors of said district, under like notice, at the same time and in the same manner as is prescribed by the general laws of this state relative to registration of electors in townships. In case of the absence of either of said justices of the peace, or his inability to serve, the township board shall appoint some qualified elector of such township to perform such duties. The person so appointed shall take and subscribe the constitutional oath of office.

Am. 1911, Act 204.

Canvass of
votes in dis-
trict.

(266) § 3588. SEC. 7. The district inspectors of elections shall, without adjourning, publicly canvass the votes received by them, the same as prescribed by law for canvassing votes at the general elections in this state, except as herein otherwise provided, and shall on the same day make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the whole number of votes given upon each question voted upon, and the number [of votes] given for and against the same; which statement shall be certified, under the hands of the inspectors of election of such district, to be correct, and they shall deposit such statement and certificate on the day of election, together with the poll list and the register of electors and the boxes containing said ballots, with the board of inspectors of district numbered "one," and said last named board shall immediately consolidate said district reports, and the combined result shall be the official canvass of said township.

Official
canvass of
township.

The provisions of this section for consolidating the reports of district inspectors is superseded so far as relates to the manner of the return by inspectors, by the election law of 1891.—*Belknap v. State Canvassers*, 95/155.

For law of 1891, see sections 139-183.

Time of meet-
ing of electors
to transact
business and
canvass votes.

(267) § 3589. SEC. 8. The electors of each election district shall meet at one o'clock in the afternoon at the polling place of each district respectively to transact such business as is usually transacted at township meetings by viva voce vote, and shall count or canvass the votes on each and every question which shall be submitted to them and the result of such vote shall be counted and reported to the board of inspectors of election of precinct number one, and shall be by them consolidated and canvassed in the same manner as pro-

vided by section seven of said act: Provided, That all questions proposed to be acted upon shall be previously reported to the township board and by them reported to the board of inspectors of election of each precinct on the morning of election, and that no question shall be entertained that is not so reported.

Provide as to reporting question.

Aud. Gen. v. Duluth, etc., R. Co., 116 / 125.

(268) § 3590. SEC. 9. The president and trustees of any incorporated village may divide said village into as many election districts, containing as nearly as possible an equal number of qualified electors, as they shall deem necessary and convenient for conducting the elections in said village. They shall give not less than fifteen days' notice of said division before the next ensuing election in said village, by posting in not less than three public places in each election district, or by publishing the same two weeks in a newspaper published in said village, a description of the boundaries of said district, and the place of holding the first election therein, and the number of said district.

Division in villages.

Notice of division.

(269) § 3591. SEC. 10. Said president and trustees shall make a record of the boundaries and number of each election district and file the same with the clerk of the village so divided, and may change the same by giving the notice before the ensuing election as required by [in] section nine of this act.

Record, where filed.

(270) § 3592. SEC. 11. The officers of said village who, by existing law, act as a board of inspectors of election of said village shall, under this act, constitute a board of inspectors for election district numbered "one" of said village, and one of said trustees, with two qualified electors who are freeholders, the latter of whom shall be residents of the election districts in which they serve, shall constitute a board of inspectors of election in each of the remaining election districts. Six days' notice of such first appointment for any district, with the place of holding the first election therein, shall be given in said district, and said inspectors shall hold their offices for one year and until their successors are appointed and qualify.

Inspectors of election.

Term of office of inspectors.

(271) § 3593. SEC. 12. Each board of district inspectors of election shall appoint one of their number chairman, and shall conduct the election in said district with the same power and authority and in the same manner, unless herein otherwise provided, as now or hereafter directed by law for inspectors of general elections held in this state, unless herein otherwise provided, and shall, at the closing of the polls, without adjourning, publicly canvass the votes received by them the same as in general elections, and declare the result, and shall on the same day make a statement in writing, setting forth the whole number of votes given for each office, the names of persons for whom such votes for each office were

Manner of conducting elections.

Canvass of votes in districts.

Official
canvass of
village.

given, and the number of votes so given for each person; which statement shall be certified under the hands of the inspectors of such election district to be correct, and they shall deposit such statement and certificate on the day of election, together with the poll list and the register of electors and the boxes containing said ballots, with the board of inspectors of election of district numbered "one," who shall combine the reports from each district upon each question and proposition, and what persons were duly elected, and the result thereof shall be the official canvass of such village.

Registration
of electors in
villages.

(272) § 3594. SEC. 13. The registration of electors shall be conducted in said village by the board of registration thereof, in the same manner as above provided for the registration in township election districts, and where not so provided, then by existing laws for registration of electors, and all such persons appointed or elected as herein provided shall, before entering upon the duties of their office, make and subscribe the constitutional oath of office of this state, and said villages may provide for the payment of such officers.

May abolish
division into
election dis-
tricts.

(273) SEC. 14. The township board of any township which has been or may hereafter be divided into two or more election districts under the provisions of this act, may at any time abolish said division into election districts, and said action so abolishing said division into election districts shall be entered upon the records of said board, and subsequent elections in said township shall be conducted in the same manner as if no division of said township into election districts had ever been made: Provided, however, That this section shall not apply to divisions made by special act of the state legislature.

Proviso.

Added 1901, Act 21; Am. 1911, Act 13.

CHAPTER VI.—PRIMARIES IN CITIES.

An Act to provide for the holding of primaries in cities of not less than fifteen thousand inhabitants, and not over one hundred fifty thousand inhabitants, and to punish frauds thereon, and by delegates elected thereat, and the corruption and attempted corruption of such delegates.

[Act 135 of 1895.]

The People of the State of Michigan enact:

How the word
"primary" to
be construed.

(274) § 3514. SECTION 1. That the word "primary" in this act shall be construed to mean an assemblage of voters of any political party duly convened for any of the purposes set forth in this act; and that the words "primary elections," as used in this act, shall be construed so as to embrace all elections held by any political party, convention, organization

or delegation therefrom, for the purpose of choosing candidates for office, or for choosing delegates to any convention or conventions to be held by the party holding such primary, or for the purpose of electing officers of any political organization, convention or association.

See sections 390-8 for the protection of primary elections and conventions.

(275) § 3515. SEC. 2. The primaries of any political parties in cities included in this act, shall be held by the several wards of each such city, and all the wards shall hold their primaries for the same party at the same time: *Primaries to be held in the different wards at the same time. Proviso.* Provided, That in any city whose population is fifty thousand and not more than one hundred and fifty thousand such primaries may, by direction of the principal committee of any party organization in any such city, be held by the voting precincts of the several wards of said city. Any ward or precinct failing to hold its party primary at the time designated therefor, as provided in section three of this act, shall not be represented at the election or convention of its party, so far as relates to the special purpose for which such primary was called. *In case ward fail to hold primary.*

(276) § 3516. SEC. 3. The time for holding the primaries in any city shall be determined by the principal committee of the party having in charge the particular matter for which the primary is called. *Time of holding primaries.* Notices of the time for holding said primaries shall be given by the city or ward committee of the respective parties in the same manner as provided in section nine of act three hundred and three of the session laws of one thousand eight hundred and eighty-seven, as amended by act one hundred and seventy-five of the session laws of one thousand eight hundred and ninety-three. *Notice of time for holding.*

The section above referred to is section 398 of this compilation.

(277) § 3517. SEC. 4. The common council of any city embraced in this act may, in their discretion, cause the election booths of their respective cities to be provided or erected within ten days after they shall have received notice from the chairman of any duly organized committee, whose duty it shall be to call the same, that the booths will be needed for holding a primary: *When council may provide booths.* Provided, That the chairman of such committee shall serve such notice upon the clerk or recorder of said city, at least twenty days before the time fixed for holding such primary. *Proviso as to notice on clerk.*

(278) § 3518. SEC. 5. The primaries in any city affected by this act and containing less than thirty thousand inhabitants shall be held between the hours of four and eight o'clock p. m., standard time. The primaries in any city affected by this act and containing more than thirty thousand inhabitants shall be held between the hours of two o'clock and eight o'clock p. m., standard time. *Time of holding primaries in cities.*

Board of inspectors to preside at primaries.

Members of ward committee.

Two inspectors to be chosen.

Vacancy, how filled.

Who eligible to vote at primaries.

Proviso as to administration of oath.

In case voter challenged to produce proof as to qualification for voting.

When vote may be received.

(279) § 3519. SEC. 6. Each primary shall be presided over by a board of inspectors, which shall be composed of a chairman, who shall be a member of the ward committee of the party holding said primary, residing in the ward where the primary is held, and of two qualified voters chosen from the residents of said ward, and who shall belong to the party holding such primary. Each political party desiring to hold primary elections shall, at the first primary election after this act takes effect, elect a member of the ward committee and two inspectors of primaries for each ward or voting precinct, whose term of office shall be for two years. At the first primary held after this act takes effect, each political party shall choose two inspectors, and if there be no member of its ward committee, also a chairman of such committee, by a viva voce vote of the electors of the party holding such primary present at the opening of said primary. And if any member of such board of primary inspectors shall be absent, or for any reason be disqualified from sitting on the board of which he is a member, such vacancy shall be filled by a viva voce vote of the voters of the party holding such primary at the opening of the same.

(280) § 3520. SEC. 7. No voter whose name does not appear on the registration list of the last preceding election, or when the committee of any party shall have adopted party registration and his name does not appear upon [such] each party registration books, shall be allowed to vote at any primary: Provided, If any qualified voter whose name does not appear on said registration list or on the adopted party registration, and who desires to vote at such primary, the chairman of the board of primary inspectors shall administer to him the following oath: "You do solemnly swear that you are a resident of this ward or voting precinct; that you reside at (here state the place of residence where said proposed voter claims to reside); that you have lived there more than ten days prior to this day; that you are a member of the (here name the party holding the primary); that you are a qualified voter of this state and of the United States, and that you have not voted at any other primary election in any other ward or voting precinct than this since last election, so help you God." If after taking the foregoing oath said voter shall be challenged on the ground that he is not a resident of said ward or voting precinct, the board of inspectors shall, before his vote is received, require him to produce before said board, some well known and reputable resident of said ward or voting precinct, who will make oath that he knows the person desiring to vote, the place of residence of said person, how long he has lived there, his occupation, and to answer such other questions as may be put to him concerning the qualifications of said applicant to vote at said primary. If from the oath of such person the board is satisfied that such applicant is a qualified voter and resident of said ward or voting precinct, said vote shall be received, otherwise it shall

be rejected. Any person swearing falsely under the provisions of this section, upon conviction thereof before any court of competent jurisdiction, shall be subject to all the pains and penalties of perjury.

Penalty for false swearing.

TEN DAYS: The constitution changes the time of residence in ward, etc., from ten days to twenty days.

(281) § 3521. SEC. 8. Only qualified voters identified with the party or organization holding such primaries, and who shall be residents of the ward or precinct when such caucus or primary is held for ten days or more prior to the date of the holding of such caucus or primary, shall be permitted to vote thereat, and if any person shall be challenged on the ground that he is not a member of such party he shall be required to take the following oath, to be administered by any person authorized by law to administer oaths:

Who qualified to vote at primaries.

Persons challenged to take the following oath.

STATE OF MICHIGAN, }
COUNTY OF } ss.

I do solemnly swear that I am a (name of party or organization) and a resident of this ward for the last ten days, and am in sympathy with its aims and objects, and will support its principles and objects, so help me God.

(Signature).....

Sworn to and subscribed before me this.....day of..... 189..

.....
Notary public (or other proper officer authorized to administer oaths),.....
county, Michigan.

If any person who takes the foregoing oath swears falsely he shall upon conviction thereof be subject to all the pains and penalties of perjury.

Penalty for false swearing.

TEN DAYS: See note to previous section.

(282) § 3522. SEC. 9. If at the time a person proposing to vote is challenged there are several persons waiting their turn to vote, said challenged person shall stand to one side until after unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of: Provided, That if any person shall challenge a qualified voter, resident of such ward or voting precinct, well known as a member of the party or organization holding such primary, for the purpose of annoying or delaying voters, he shall be deemed guilty of a misdemeanor.

Challenged voter to wait until others have voted.

Proviso as to malicious challenge.

(283) § 3523. SEC. 10. No two parties or organizations shall call their primaries for the same day, and the chairman of each of the principal committees of the parties having in charge the primaries to be held for any stated purpose shall notify the city clerk or recorder of the time fixed for his

Two parties not to hold primaries on same day.

party primaries within twenty-four hours after the same is determined, and such day shall be considered as secured to the party whose committee chairman has first given notification thereof.

Council to cause political parties to hold primaries at certain times.

(284) § 3524. SEC. 11. The common council of any city embraced in this act, may cause all of the different political organizations in any city where booths are provided by said city to hold their primaries within a given time, and shall provide suitable ballot boxes for said primaries.

Misdemeanor to solicit money from candidates.

(285) § 3525. SEC. 12. If any voter shall solicit from any candidate for election at any primary, or from any other person, or shall receive, directly or indirectly, from such candidate or from any other person any money, or promise of place or position or any valuable consideration of any kind, for his vote or support at such primary, or for his attendance thereat, or if any person shall vote at more than one party primary, each held for the nomination of the same class of officers or delegates before any one election, he shall be deemed guilty of a misdemeanor.

Unlawful solicitation of votes.

(286) § 3526. SEC. 13. Any person who shall hire any carriage or other conveyance, or cause the same to be done, for conveying voters, other than those physically unable to walk thereto, to any primary conducted hereunder, or who shall solicit any person to cast an unlawful vote at any primary, or who shall offer to any voter any money or reward of any kind, or shall treat any voter or furnish any entertainment to any voter, or shall promise any place or position for the purpose of securing such voter's vote, support or attendance at such primary or convention, or shall cause the same to be done, shall be deemed guilty of a misdemeanor.

Proxies not to be given delegation to fill vacancies.

(287) § 3527. SEC. 14. No delegate elected to any city or county convention shall give a proxy to represent him at such convention. All vacancies occurring in any delegation to any convention shall be filled by a majority vote of such delegation: Provided, That such delegation shall not be permitted to fill any vacancy which may occur in its number by any person not a resident of the ward from which such absent delegate was chosen, and any person not duly elected or chosen as hereinbefore set forth, who shall sit as a member of a delegation in any convention, or who shall secure his election thereto by the offer of any valuable consideration whatever, or by the promise of any reward, place or position, shall be deemed guilty of a misdemeanor.

Proviso as to delegation filling vacancies.

Who deemed guilty of a misdemeanor.

When delegate deemed guilty of a misdemeanor.

(288) § 3528. SEC. 15. Any delegate or member of any convention, or any other person who shall solicit any candidate for election or nomination before said convention for money, reward, position, place or preferment for his support in such convention, shall be deemed guilty of a misdemeanor.

Registration of voters.

(289) § 3529. SEC. 16. The board of inspectors shall cause the name and residence of each voter to be registered at any primary at the time of depositing his ballot: Pro-

vided, This section or act shall not preclude the city committee of any city coming within its provisions adopting rules before the holding of any such primaries that require party registration of the voters of such party in each ward, in books to be provided by such committee, such books to be used on the day on which the primaries are held; and when such rules have been adopted and registration had, then only the persons registered as party voters can vote at said primary election: Provided, That any person whose name does not appear on the books of party registration shall be allowed to vote upon taking the oath prescribed in section seven. Said registration, after the result has been declared, shall be deposited with and preserved by the city clerk.

Committee may make rules as to registration in ward books.

(290) § 3530. SEC. 17. The delegates to a convention shall be elected by ballot and in the following manner: The inspectors shall provide suitable blanks of uniform size and color, not less than three by six inches, to be used as ballots, and at each primary the names of all the delegates to be voted for shall be written or printed on one ballot, and no name shall appear more than once on the same ballot. The person receiving the highest number of votes shall be declared elected a delegate, the person receiving the next highest number of votes shall be declared the next delegate, and so on in like manner until the full number of delegates to which the ward or precinct is entitled shall have been declared elected, and the person receiving the highest number of votes at any primary for any ward office shall be declared the nominee of the party holding said primary for the particular office for which he has been named: Provided, That in election of delegates to a convention or in the election of a candidate for any ward office, if it shall appear on counting the votes polled at any primary that two or more persons have received an equal number of votes for the same office and that a failure to elect to any office is caused thereby, such persons shall proceed to draw lots for the election to said office in the following manner: The board of inspectors for the ward or precinct where such tie may occur, shall prepare as many slips of paper as there are such persons who have received the same number of votes, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as nearly alike as possible. Said slips shall be placed in a box and each of such persons aforesaid, or in his absence some disinterested person acting for him, may draw one of said slips from the box and such person drawing a slip on which is written the word "elected" shall be deemed legally elected as representative or nominee of the party holding such primary for the office in question, and the board shall forthwith give him a certificate of such election.

Proviso as to parties whose names do not appear on books.

Delegates to be elected by ballot.

In case of tie, candidates to draw lots with slips.

Manner of drawing slips.

How cities of certain population may conduct primaries.

(291) § 3531. SEC. 18. The common council of any city of less than fifteen thousand population not embraced in this act may, by ordinance on confirmation of the voters of such city, conduct their primaries in the same manner as those cities embraced in this act under fifty thousand population.

What acts to remain in force.

(292) § 3532. SEC. 19. All the provisions of act three hundred three, of the session laws of one thousand eight hundred and eighty-seven, and of all acts amendatory thereto, shall remain and be in force in the cities embraced in the provisions of this act, and have the same force as in the state at large, except as to such matters as are herein specially provided for and applicable to such cities.

Act to apply to cities having a certain population.

(293) § 3533. SEC. 20. This act shall apply to all cities of this state having a population of fifteen thousand and not more than one hundred and fifty thousand inhabitants; the population of said cities to be determined from the last federal or state census as the case may be.

Penalty for violation of act.

(294) § 3534. SEC. 21. Any person found guilty of any offense defined in this act as a misdemeanor, shall, upon conviction thereof, be sentenced to pay a fine of not less than ten dollars nor more than five hundred dollars, or to be confined in the county jail not less than ten days nor more than six months, or both such fine and imprisonment in the discretion of the court.

Further penalty for violation of act.

(295) § 3535. SEC. 22. Any person who shall influence any voter, delegate, candidate or other person to violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and punishable as hereinbefore provided.

CHAPTER VII.—TOWNSHIP ELECTIONS—DUTIES OF OFFICERS.

[Extract from Chap. 16, R. S. 1846.]

TOWNSHIP MEETINGS.

Annual meeting.

(296) § 2275. SEC. 8. The annual meeting of each township shall be held on the first Monday in April, in each year, and at such meeting there shall be an election for the following officers: One supervisor, one township clerk, one treasurer, one commissioner of highways, as many overseers of highways as shall be provided for by law, so many justices of the peace as there are by law to be elected in the township, and so many constables as are to be elected, not exceeding four in number.

Officers to be elected.

Am. 1909, Act 66.

BOARD OF REVIEW: For election of this board, see section 345. Abels v. Supervisors, 42/526; Robinson v. Supervisors, 49/321; People v. Knight, 13/424; Hubbard v. Springwells, 25/153.

(297) § 2276. SEC. 9. Each of the officers named in the last preceding section, shall be chosen by ballot; and before proceeding to choose the officers hereinafter directed to be chosen at such meeting.

Election by ballot.

As to the last clause, see section 328.
INFORMAL BALLOT: When the law requires certain officers to be elected by ballot, there is and can be no such thing as an "informal" ballot. —Conrad v. Stone, 78/635.
 Sec. 10 provided for the election of overseers of highways. For the election of overseers, see section 316.

(298) § 2281. SEC. 11. Justices of the peace shall severally hold their offices for four years, except when elected to fill a vacancy in office occurring before the expiration of the legal term of four years, and when elected to fill such vacancy, they shall hold during the unexpired portion of such term: Provided, That when there shall have been no previous election and classification of justices of the peace in any township pursuant to the sixth article of the constitution of this state, the justices elected at such meeting shall be classed and divided by lot, respectively, for one, two, three, or four years, and shall severally hold their offices accordingly.

Term of office of justices.

Each justice of the peace elected to fill vacancy, or for a less term than four years, shall take his oath within ten days; justices elected for full term shall qualify on or before July 4th after election.

BOND OF JUSTICES: See sections 2369-2373, C. L., 1897.

(299) § 2282. SEC. 12. The commissioner of highways shall hold his office for one year, and until his successor shall be elected and qualified.

Term of office of commissioner of highways.

Sec. 13 contained certain provisions relative to school inspectors, that office having been eliminated by the revised constitution.

(300) § 2284. SEC. 14. Each of the officers elected at such meetings, except justices of the peace and school inspectors, shall hold his office for the term of one year, and until his successor shall be elected and duly qualified.

Term of office.

Att'y Gen. v. Rice, 64/387.

(301) § 2285. SEC. 15. Each township officer elected at a special meeting to fill a vacancy, shall hold his office during the then unexpired portion of the regular term of the office, and no longer, unless again elected.

Of officers elected to fill vacancies.

(302) § 2286. SEC. 16. The annual and special township meetings shall severally be held at the place in the township where the last annual township meeting was held, or at such other place therein as shall have been ordered at a previous meeting, or when there has been no such previous meeting, at such place as shall be directed in the act or proceedings by which the township was organized; unless it shall, in either case, become inconvenient to do so.

Meetings, where to be held.

(303) § 2287. SEC. 17. Whenever it shall become inconvenient to hold a township meeting at the place designated therefor, the board of inspectors, or a majority of them, after having assembled at, or as near as practicable to such place,

When place of meeting may be changed, and meeting adjourned.

and opened the meeting, and before receiving any votes, may adjourn said meeting to the nearest convenient place for holding the same, and at such adjourned place forthwith proceed with the meeting.

Proceedings
on adjourn-
ment.

(304) § 2288. SEC. 18. Upon adjourning any township meeting, as provided in the last section, the board of inspectors shall cause proclamation thereof to be made, and shall leave a constable, or some other proper person, at the place where such meeting was opened, to notify all persons arriving at such place that the meeting has been adjourned, and the place to which it has been adjourned.

For what pur-
poses meeting
may adjourn.

(305) § 2289. SEC. 19. Any annual or special meeting may, by a vote of the meeting, be adjourned to any other day, and from time to time, for the purpose of transacting any proper business of the township, except for the election of officers.

First meeting
in township,
when held.

(306) § 2290. SEC. 20. The first township meeting after the organization of any township, shall be held on the first Monday in April after its organization, and at such meeting there shall be an election for such officers as are by law to be elected at township meetings.

Proceedings
at first meet-
ing in town-
ship.

(307) § 2291. SEC. 21. At the first township meeting in any township, the qualified electors present, between the hours of nine and ten o'clock in the forenoon, shall choose one of their number as moderator, one of their number as clerk, and two others of their number as inspectors, who shall severally take the oath of office prescribed by the twelfth article of the constitution, and shall conduct the proceedings of such meeting in all respects as other township meetings are required by law to be conducted, as near as may be, and with the same powers.

The twelfth article referred to is of the constitution of 1835, now, see section 73 *infra*.

In case of fail-
ure, meeting,
how called.

(308) § 2292. SEC. 22. If the inhabitants of any newly organized township shall fail to hold their first township meeting on the day specified by law, any three qualified voters of such township may call a meeting of the electors of such township, for such township election, at any time thereafter, by posting up notices thereof in not less than three public places in such township, at least ten days previous to the holding of such meeting.

Who to admin-
ister oaths.

(309) § 2293. SEC. 23. At such first township meeting, the moderator shall administer the oath of office to the other inspectors, and either of the other inspectors, after having been so qualified, may administer the like oath to the moderator.

Special town-
ship meetings
to fill vacan-
cies, how held.

(310) § 2294. SEC. 24. Special township meetings may be held for the purpose of choosing officers to fill any vacancy that may occur, if the township board shall deem it expedient, and make their order therefor; and in case the said township board become disorganized, or reduced below the

number of a quorum, as provided by law, by, or through the death or removal of the officers composing the same, or from any other cause, then such special township meeting may be called and proceeded in, in all respects, as in the case of newly organized townships.

(311) § 2295. SEC. 25. Special township meetings shall also be held, for the purpose of transacting any other lawful business, when ordered by the township board, on a request to them in writing, signed by any twelve electors of the township, specifying therein the purposes for which such meeting is to be held; and the mode of proceeding at all special meetings shall be the same as at the annual meetings.

Special meeting for other purposes.

Loomis v. Rogers Twp., 53 / 142.

(312) § 2296. SEC. 26. Every order for a special township meeting shall specify the purpose for which it is to be held, and the time when, and the place where it shall be held; and if any vacancies in office are to be filled at such meeting, such order shall state in what offices vacancies exist, how they occurred, and who were the last incumbents, and if the vacancy be in the office of justice of the peace, such order shall also state at what time the constitutional term of office will expire.

Orders for special meeting, what to specify.

The record must show all statutory requirements to have been complied with.—Loomis v. Rogers Twp., 53 / 135.

(313) § 2297. SEC. 27. The time appointed for holding any special township meeting shall not be more than twenty, nor less than fifteen days from the time of making the order therefor; and such order shall be left with the township clerk within two days after the making thereof, and shall be recorded in his office.

Within what time after order, meeting to be held.

NOTICE: A special statute fixing a shorter time for a meeting for a particular purpose supersedes pro tanto the general law.—Miller v. Grandy, 13 / 540. See Crittenden v. Robertson, 13 / 61.

(314) § 2298. SEC. 28. The said clerk shall, within two days after such order shall be left with him, cause copies thereof to be posted up in three of the most public places in the township; and if there be a newspaper printed in such township, he shall also cause a copy to be published therein, if practicable, at least five days before the day appointed for such special meeting.

Clerk to give notice.

(315) § 2299. SEC. 29. No notice of the annual township meetings shall hereafter be necessary.

No notice of annual meeting.

OVERSEERS OF HIGHWAYS.

[Extract from Ch. XIII, Act 283 of 1909.]

Election of
overseers and
poundmasters.

(316) SEC. 6. There shall also be elected at such meeting to be chosen viva voce, or in such manner as the meeting may direct, one overseer of highways for each road district, and no elector except a resident in the district where the overseer is chosen, or an elector of the township having taxable property in such district, shall vote for said overseer and as many poundmasters as the meeting may direct: Provided, If there shall be but one road district in a township the overseer of highways for that district shall be elected by ballot in the same manner as other township officers are elected. No person shall be eligible to the office of overseer of highways who is not a resident taxpayer in the district for which he is elected or appointed, and no person shall hold the office of commissioner and overseer at the same time.

Proviso.

Qualification
of overseer.

[Ch. XII, Act 283 of 1909.]

Appointment
of overseer.

(317) SEC. 2. If any person chosen to the office of overseer shall refuse to serve, or if his office shall become vacant, the commissioner shall, by warrant under his hand, appoint some other person in his stead; and the overseer so appointed or designated shall have the same powers, be subject to the same orders, and liable to the same penalties as overseers chosen at township meetings. The commissioner making such appointment or designation shall cause such warrant to be filed in the office of the township clerk, who shall forthwith give notice thereof to the person so appointed or designated, who shall give written notice of his acceptance to such clerk within ten days after receiving such notice.

Notice of
appointment.

[Ch. II, Act 283 of 1909.]

Overseer to
have charge,
etc., in case
of vacancy.

(318) SEC. 13. If the highway commissioner be unable to take charge of the work on highways and bridges because of sickness, absence or any other reason, or in case of a vacancy in the office of township highway commissioner through death, resignation or otherwise, the overseer of highways residing in the same road district as the former highway commissioner resided shall have charge and supervision of all work, and shall act in the place and stead of the highway commissioner, until a new highway commissioner shall be appointed or elected, and shall have all the powers and duties of such township highway commissioner, and in such case warrants drawn by him and countersigned by the township clerk shall be paid by the township treasurer.

MANNER OF CONDUCTING ELECTIONS.

[Extract from Chap. 16, R. S. 1846.]

(319) § 2300. SEC. 30. At the election of officers required to be chosen by ballot at the annual township meeting, the inspectors of election shall be the same as at the general election.

Inspectors of election.

See sections 227-9 relative to conducting municipal and township elections.

(320) § 2301. SEC. 31. The township clerk shall be the clerk of the township meeting, and shall keep faithful minutes of its proceedings, and a correct list of the persons voting at the election, and he shall enter at length in his minutes every order or direction, and all rules and regulations made by such meeting.

Township clerk to keep minutes, etc.

(321) § 2302. SEC. 32. If the township clerk be absent, then such person as shall be appointed by the inspectors for that purpose shall act as clerk of the meeting, first taking an oath, to be administered by one of the inspectors, that he will faithfully perform the duties of his office according to the best of his ability.

When clerk of meeting to be appointed by inspectors.

(322) § 2303. SEC. 33. The polls of the election shall be opened at seven o'clock in the forenoon, or as soon thereafter as may be, and shall close at the hour of five o'clock in the afternoon, and the inspectors shall cause proclamation to be made upon opening the polls and shall also cause proclamation to be made of the closing of the polls one hour, thirty minutes and fifteen minutes, respectively, before the closing thereof.

Polls, when opened.

Am. 1903, Act 138.

(323) § 2304. SEC. 34. When the election is by ballot, the inspectors shall deposit the ballots in a box, to be constructed, kept and disposed of, as near as may be, in the manner prescribed in chapter five.

Ballots to be deposited in box.

Chap. 5 referred to is R. S. '46, which is superseded by the act of 1851, see section 122 et sequ.

(324) § 2305. SEC. 35. The ballot shall be a paper ticket, with the names of the persons for whom the elector intends to vote, written or printed, or partly written and partly printed thereon; and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names as designated to any office, than there are persons to be chosen at such election to fill such office, and each ballot shall be so folded as to conceal the contents, and shall be delivered to one of the inspectors.

Ballots, what to contain, etc.

(325) § 2306. SEC. 36. If at any election there shall be one or more vacancies to be supplied, in the office of justice

Designation of persons to fill vacancy.

of the peace, school inspectors, or commissioners of highways, and at the same election, any such officer is to be elected for the full term, it shall be necessary to designate on the ballot the person or persons voted for to supply such vacancy or vacancies.

The office of school inspector is now obsolete.

Challenges. (326) § 2307. SEC. 37. If any person offering to vote at such election, or upon any question arising at such township meeting, shall be challenged as unqualified by any inspector, or any elector entitled to vote at such meeting, the inspectors shall proceed thereupon in the manner prescribed in chapter five, in case of a challenge at the general election; and no person whose vote shall have been received upon such challenge, shall be again challenged upon any other question, arising at the same township meeting.

See note to section 323.

Authority to preserve order, etc. (327) § 2308. SEC. 38. The inspectors, or officer presiding, shall have the same authority to preserve order, to enforce obedience, and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election.

Time of electing officers. (328) § 2309. SEC. 39. At the hour of one o'clock in the afternoon, there shall be elected the other officers to be elected at such meetings and all business of such meetings requiring a viva voce vote, except that required by section eight of this chapter, shall be then transacted: Provided, That on all votes for the appropriation of any moneys, or for the raising of any taxes in said township, said votes shall be taken in such a manner that the moderator of such meeting may be able, and shall, upon demand, state the result of each of said votes, giving the number voting for and the number voting against each proposition so voted upon, all of which shall be duly recorded by the township clerk in the records of the proceedings of such meeting.

The section 8 referred to is section 296.

Questions upon motions, how determined. (329) § 2310. SEC. 40. All questions upon motions made at township meetings, shall be determined by a majority of the electors voting; and the officer presiding at such meeting shall ascertain and declare the result of the votes upon each question.

CANVASS OF VOTES.

(330) § 2311. SEC. 41. The votes given by ballot shall be publicly canvassed by the inspectors, at the place where the meeting was held, and the result shall be read by the clerk to the persons there assembled; and such reading shall be sufficient notice to all persons elected at that election to any office, whose names are on the poll list as voters.

Canvass of votes and determination of result.

(331) § 2312. SEC. 42. Before the ballots are opened, they shall be counted and compared with the poll list, and the like proceedings shall be had as to ballots folded together, and as to differences in number, as are prescribed in chapter five.

Ballots to be counted and compared with poll list.

See note to section 323.

(332) § 2313. SEC. 43. The canvass being completed, and the result ascertained, the inspectors shall draw up a statement in writing, setting forth, in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, which statement shall be certified under the hands of the inspectors to be correct.

Statement of result, etc.

(333) § 2314. SEC. 44. The inspectors shall also certify upon such statement, their determination of the persons elected to the respective offices, including as well those elected without ballot, as those elected by ballot; which statement and certificate of determination shall be left with the township clerk, and recorded in his office.

Statement of determination to be certified and recorded.

Robinson v. Supervisors, 49 / 321.

(334) § 2315. SEC. 45. The persons having received the greatest number of votes given for any office at such election, shall be deemed and declared duly elected; and if two or more persons shall have received an equal number of votes for the same office, the inspectors of election shall determine the choice by lot, and shall declare and certify the same accordingly.

Choice determined by lot.

People v. Mollitor, 23 / 341.

TOWNSHIP OFFICERS.

(335) § 2316. SEC. 46. All officers, except justices of the peace, required to be elected at township meetings by ballot, shall, before entering upon the duties of their offices, and within ten days after notice of their election, respectively take and subscribe the oath of office prescribed by the twelfth article of the constitution, before the township clerk, or some

Oath of office.

other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same; and such oath shall be administered without reward, and certified by the officer before whom the same was taken, with the date of taking the same.

Art. 12 referred to, is of the constitution of 1835, see section 73.

Clerks, when to notify persons elected.

(336) § 2317. SEC. 47. Within two days after the election of any officers at a township meeting, the clerk shall transmit to each person elected to any township office, and whose name shall not have been entered on the poll list at such election as a voter, a notice of his election; and each overseer of highways and poundmaster elected at such meeting, shall, within ten days after notice of his election, file with the said clerk a notice in writing of his acceptance, and in default thereof he shall be deemed to have refused to serve.

When justices to enter upon their duties.

(337) § 2318. SEC. 48. The persons so elected justices of the peace, shall enter upon the duties of their offices respectively, as follows:

1. Those elected for the full term of four years, on the fourth day of July next succeeding their election;

2. Those elected to fill vacancies, and those elected at the first township meeting in any new township, immediately upon the filing of their oath of office and security with the county clerk, as required by law.

Hulbert v. Henry, 105 / 212.

Justices residing in new townships.

(338) § 2319. SEC. 49. When a new township shall be organized, if there be one or more justices of the peace residing therein, they shall be deemed to have vacated their respective offices.

Classification of justices.

(339) § 2320. SEC. 50. Within six days after the election of justices of the peace in such new township, the supervisor shall give notice in writing to the justices elected, and to the township clerk, of the time and place when and where he will meet them, to determine by lot the classes of such justices; which notice shall be served at least six, and not more than twelve days, previous to the time appointed therein for such meeting.

Mode of deciding term of office.

(340) § 2321. SEC. 51. At the time and place so appointed, the supervisor and township clerk shall cause to be written on separate pieces of paper, as near alike as may be, the numbers one, two, three, four, or such and so many of such numbers as shall correspond with the number elected, and shall cause them to be rolled up as nearly alike as may be, and deposited in a box; and the persons elected justices shall severally draw one of the said pieces of paper, and each shall be classed according to the number written on the paper so drawn by him, and shall hold his office for the term as follows: The term of number one shall expire on the fourth day of July then next following, and the terms of the others

on the fourth day of July in each succeeding year, respectively, according to the numbers drawn by them.

(341) § 2322. SEC. 52. If any person elected a justice shall neglect to attend such drawing, the supervisor shall draw for him; but if the supervisor be absent from his township, or unable to serve, or his office be vacant, the township clerk shall give the notice, and perform the duties herein enjoined on such supervisor.

When supervisor to draw for absent justices.

(342) § 2323. SEC. 53. Duplicate certificates of such drawing, and of the result thereof, shall be made and certified by the supervisor and township clerk, or such one of them as shall attend the same, one of which shall be filed with the township clerk, and the other with the county clerk, and shall be recorded by said clerks in the books in which the canvasses of votes shall have been recorded, and shall be conclusive evidence of the classes to which the justices so elected belong.

Certificates of classification to be made and recorded.

(343) § 2324. SEC. 54. In case more than one existing vacancy in the office of justices of the peace shall be supplied by election at any township meeting, the classes of the persons elected to fill the same shall be determined by lot, within the time, and in the manner prescribed for classifying justices elected in new townships.

Classification in case of election to fill vacancies.

(344) § 2325. SEC. 55. If any person elected to any township office, except that of justice of the peace, of whom an oath of office is required, who is not exempted by law from holding the office to which he is elected, shall not, within ten days after notice of his election, take and subscribe the oath of office required by law, and cause the same to be filed with the township clerk, or if any such officer of whom a bond or security shall be required, shall not file such bond or security within the time above limited for filing his said oath, he shall forfeit and pay the sum of ten dollars; and if any person elected to the office of overseer of highways or poundmaster, and not exempted by law from holding such office, shall refuse to serve, he shall forfeit and pay the like sum, unless the person selected shall file with the clerk of his township, within said ten days, a written notice stating that he declines accepting the office.

Penalty for neglect to qualify.

THE BOARD OF REVIEW.

[Extract from Act 206 of 1893.]

(345) § 3851. SEC. 28. At the annual township meeting held on the first Monday of April in the year eighteen hundred and ninety-four, there shall be elected by ballot, on the regular township ticket, two tax-paying electors of the township, who shall be owners of land in said township, to serve

Board of review, election of.

Who to constitute.
Vacancy,
how filled.

Quorum, etc.

as members of the board of review, one of whom shall be elected for one year and one for two years, and annually thereafter one member shall be elected for two years, who shall take the constitutional oath of office as other township officers. The supervisor and the two electors so elected shall constitute a board of review for such township. The township board may temporarily fill any vacancy which shall occur in said membership of said board of review, but no member of such township board shall be eligible to fill such vacancy. A majority of said board of review shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and a majority vote of those present shall decide all questions.

Am. 1901, Act 129.

The above section is taken from an act providing for the assessment of property and collection of taxes, etc.

RESIGNATIONS, VACANCIES, AND SUPPLYING VACANCIES.

How resignations made.

(346) § 2326. SEC. 56. Resignations of all officers elected at township meetings shall be in writing, signed by the officer resigning, and addressed to the township board, and shall be delivered to and filed by the township clerk; and when a justice of the peace resigns, such clerk shall immediately transmit a copy of such resignation, certified by him, to the county clerk.

When office to become vacant.

(347) § 2327. SEC. 57. Every township office, including the office of justice of the peace, shall become vacant, upon the happening of either of the events specified in chapter fifteen, as creating a vacancy.

VACANCIES: See sections 440, 442, 446, 449.

Paw Paw v. Eggleston, 25 / 39; People v. Steilwagen, 33 / 1.

Temporary appointments in certain cases to be made by township board.

(348) § 2328. SEC. 58. Whenever there shall be a vacancy, or when the incumbent shall, from any cause be unable to perform the duties of his office, in either of the township offices, except that of justice of the peace and township treasurer, the township board may make temporary appointments of suitable persons to discharge the duties of such offices respectively; and such persons, so appointed, shall take the oath of office, or file the notice of acceptance required by law, and shall continue to discharge such duties until the office is filled by election, or until the disability aforesaid be removed.

Bank v. St. Joseph, 46 / 528; Locke v. Highway Com'r, 107 / 633. Murphy v. Montmorency Circuit Judge, 159 / 392. A township temporarily represented by an appointed supervisor has the same voice upon the board that it had before the vacancy.—Peck v. Supervisors, 102 / 346.

(349) § 2329. SEC. 59. In case the treasurer of any township shall refuse to serve, or shall vacate his office before completing the duties thereof, or be disabled from completing the same, by reason of sickness or any other cause, the township board shall forthwith appoint a treasurer for the remainder of the term, who shall give like security, and be subject to like duties and responsibilities, and have the same powers and compensation as the treasurer in whose place he was appointed, and the township clerk shall immediately give notice thereof to the county treasurer; but such appointment shall not exonerate the former treasurer, or his sureties, from any liability incurred by him or them.

When township treasurer to be appointed by board.

CERTAIN DUTIES OF TOWNSHIP CLERK RELATIVE TO ELECTIONS.

(350) § 2339. SEC. 66. He shall transcribe in the book of records of his township the minutes of the proceedings of every township meeting held therein, and he shall enter in such book every order or direction, and all rules and regulations made by any such township meeting.

Minutes of township meeting.

Harding v. Bader, 75 / 318.

(351) § 2340. SEC. 67. The township clerk of each township, and the city clerk of each city, shall, immediately after the qualifying of the several officers elected or appointed in their respective townships and cities, return to the clerks of their respective counties the names of all such officers, with their respective postoffice addresses: Provided, that the township clerk of the township of South Manitou in the county of Manitou, may make such return at any time before the first day of June next after the election of such officers.

Clerks to make return of officers to county clerk.

(352) § 2341. SEC. 68. Each township clerk shall, immediately after the election of any justices of the peace in his township, transmit a written notice thereof to the county clerk, stating therein the names of the persons so elected, and the terms for which they were respectively elected; and if one or more of them has been elected to fill a vacancy, he shall state in such notice who was the last incumbent of the office.

To give notice of election of justices.

TOWNSHIP TREASURER.

Duties of
treasurer.

(353) § 2353. SEC. 76. The township treasurer shall receive and take charge of all moneys belonging to the township, or which are by law required to be paid into the township treasury, including all moneys that may accrue to his township on account of non-resident highway taxes, and shall pay over and account for the same, according to the order of such township, or the officers thereof duly authorized in that behalf; and shall perform all such other duties as shall be required of him by law; but no person shall be eligible to the office of township treasurer for more than two years in succession.

Not to hold
office more
than two years
in succession.

COMPENSATION OF TOWNSHIP OFFICERS.

Township
officers, com-
pensation of.

(354) § 2374. SEC. 95. The following township officers shall be entitled to compensation at the following rates for each day actually and necessarily devoted by them to the service of the township in the duties of their respective offices, to be verified by affidavit, whenever required by the township boards:

Boards, etc.

First, The officers composing the township boards, board of registration, board of health, inspectors of election, clerks of the poll and commissioners of highways, three dollars per day, and at the same rate for parts of days;

Supervisor.

Second, The supervisor for taking the assessment and for all services not connected with the above boards, three dollars per day and at the same rate for parts of days;

Township
clerk.

Third, The township clerk, as clerk of the township board, three dollars per day and at the same rate for parts of days, but no township officer shall be entitled to pay for acting in more than one capacity at the same time.

Am. 1907, Act 98; 1911, Act 260.

Ratification.

(355) SEC. 2. This act shall not take effect until ratified by the electors of said township.

Added 1911, Act 260.

Compensation
for other ser-
vices.

(356) § 2375. SEC. 96. For services not otherwise provided for by law, rendered to townships by township officers in the duties of their respective offices, the township board shall audit and allow such compensation as they shall deem reasonable.

Sawyer-Goodman Co. v. Crystal Falls Twp., 56 / 597.

TOWNSHIP BUSINESS OTHER THAN ELECTIONS.

(357) § 2376. SEC. 97. In the transaction of any business other than the election of officers in any township meeting, the supervisor, if present, shall be the moderator of the meeting; and if he shall not be present, any other of the inspectors of election, except the clerk, who shall be designated by the inspectors present, shall be the moderator; or the meeting, under the direction of the inspectors present, may elect viva voce, a moderator of the meeting.

Moderator of township meeting.

(358) § 2377. SEC. 98. The moderator shall preside in, and regulate the proceedings of the meeting; he shall decide all questions of order, and make public declaration of all votes passed; and when any vote so declared by him shall immediately upon such declaration be questioned by seven or more of the voters, he shall make the vote certain by polling the voters, or dividing the meeting, unless the township shall, by a previous vote, or by their by-laws, have otherwise provided.

Powers and duties of moderator.

(359) § 2378. SEC. 99. No person shall address the meeting before permission obtained of the moderator, nor while any other person is speaking by his permission; and all persons at such meeting shall be silent at the request of the moderator.

Idem.

(360) § 2379. SEC. 100. If, at any township meeting any person shall conduct himself in a disorderly manner, and, after notice from the moderator shall persist therein, the moderator may order him to withdraw from the meeting; and on his refusal, may order the constables, or any other persons to take him into custody until the meeting be adjourned.

Disorderly conduct at township meetings.

(361) § 2380. SEC. 101. Any person who shall refuse to withdraw from such meeting, on being ordered by the moderator to do so, as provided in the preceding section, shall, for every such offense, forfeit a sum not exceeding twenty dollars.

Penalty for disregarding order of moderator.

QUALIFICATIONS OF VOTERS AND OFFICERS.

(362) § 2381. SEC. 102. Each inhabitant of any township, having the qualifications of an elector, as specified in the constitution of this state, and no other person, shall have a right to vote on all matters and questions before any township meeting, and when any person claiming the right to vote shall be challenged by a voter, the moderator shall proceed in the same manner as on challenges at the election of township officers.

Who may vote, challenges.

Who shall be eligible to hold office.

(363) § 2382. SEC. 103. No person except a citizen of the United States and an elector as aforesaid shall be eligible to any elective office contemplated in this chapter: Provided however, That any female person of or above the age of twenty-one years, who has resided in this state six months and in the township twenty days next preceding any election, shall be eligible to the office of school inspector.

The office of school inspector is now obsolete.

Qualified voter, who deemed.

(364) § 4662. SEC. 17. In all school elections every citizen of the United States of the age of twenty-one years, male or female, who owns property which is assessed for school taxes in the district, or who is the parent or legal guardian of any child of school age included in the school census of said district, and who has resided in said district three months next preceding such election, shall be a qualified voter. On the question of voting school taxes, every citizen of the United States of the age of twenty-one years, male or female, who owns property which is assessed for school taxes in the district, and who has resided in the district, as above stated, shall be a qualified voter: Provided, That the purchaser of land upon a land contract, who actually pays the taxes upon such land and resides thereon, may vote upon all questions; and where a husband and wife own property jointly and same is assessed for school taxes in the school district, each may, if otherwise qualified, vote upon all questions including the question of raising money.

Voting school taxes.

Proviso, land contracts.

Husband and wife.

Am. 1909, Act 83.

An Act authorizing women to vote in certain cases.

[Act 206 of 1909.]

The People of the State of Michigan enact:

Propositions upon which women may vote.

(365) SECTION 1. At any election hereafter held in any village, township, city, county or school district at which any question involving the direct expenditure of public money or the issue of bonds shall be submitted to a vote of the electors, every woman, who possesses the qualifications of male electors and has property assessed for taxes in any part of the district or territory to be affected by the result of such election, shall be entitled to vote thereon.

Board of registration, duty of.

(366) SEC. 2. It shall be the duty of every board of registration, upon such days as boards of registration are required to be in session, to register the names of all women who will be entitled to vote upon any question involving the direct expenditure of public money or the issue of bonds at any subsequent election. No woman shall be registered un-

less she makes personal application to the board of registration. It shall be unlawful for said boards of registration to register any woman under authority of this act, unless she possesses the qualifications prescribed for an elector in section one of article three of the constitution and has property assessed for taxes: Provided, That any woman who possesses the qualifications of male electors and owns property jointly with her husband or other person, or who owns property on contract, and pays the taxes thereon, shall be entitled to register and shall have the right to vote on all such propositions as are referred to in this act: Provided further, That in all school elections at which the question of the direct expenditure of public money or the issue of bonds is to be voted upon, women shall be permitted to vote without registration in the manner now provided in the general school law.

Proviso,
joint deed.

Further
proviso.

(367) SEC. 3. It shall be the duty of the various village, township and city clerks to procure and furnish to the various boards of registration a separate register in which shall be written the names of all women entitled to registration under authority of this act. The various boards of registration shall give notice of the time and place where they will be in session and shall conduct the registration in the manner authorized by sections three thousand five hundred thirty-six to three thousand five hundred sixty-four, inclusive, of the compiled laws of eighteen hundred ninety-seven.

Separate
register,
clerks to
furnish, etc.

Registration
notice.

(368) SEC. 4. The propositions herein referred to shall be printed upon ballots which shall not contain any other question to be voted upon at such election. All elections at which women vote shall be conducted and all ballots shall be cast, counted and canvassed in the manner provided for by existing law, except where the contrary is herein expressed.

Ballots,
canvass, etc.

FIRST ELECTIONS IN TOWNSHIPS.

[Extract from Act 156 of 1851.]

(369) § 2489. SEC. 16. Whenever the board of supervisors shall erect a new township in any county, they shall designate the name thereof, the time and place of holding the first annual township meeting therein, and three electors of such township, whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting. And in case any of the three electors above mentioned shall refuse or neglect to serve, the electors of said township present at such meeting shall have power to substitute some other elector of such township for each one so

Proceedings
and organiza-
tion of new
township by
board of
supervisors.

Notice of
fixing town-
ship meeting.

Place of hold-
ing first town-
ship meeting.

neglecting or refusing to serve. Notice of the time and place of such meeting, signed by the chairman or clerk of the board of supervisors, shall be posted in four of the most public places in such new township, by the persons so designated to preside at such meeting, or by some person appointed by such board of supervisors for that purpose, and in each of the townships whose boundaries may have been altered by the erection of such new township, at least fourteen days before holding the same. They shall also fix the place for holding the first township meetings in the town or towns from which such new township shall be taken, which shall also be stated in the notice posted in such last named township; but nothing in this act shall affect the rights, or abridge or enlarge the term of office of any town officer except justice of the peace, in any such township; but such township officer other than justice of the peace, residing within the limits of such new township, shall continue to be such officer in such new township, till the expiration of the time for which he was elected, in the same manner as if originally elected therein; and the terms of office of all township officers except justices of the peace elected at such first township meeting, shall expire on the first Monday of April thereafter, or as soon thereafter as their successors are elected and qualified.

Att'y Gen. v. Marr, 55 / 445.

CHAPTER VIII.—OFFENSES AGAINST ELECTION LAWS.

PENALTIES.

[R. S. 1846, Chap. 19.]

Punishment of
officers for
wilful neglect
of duty.

(370) § 11437. SECTION 1. If any officer on whom any duty is enjoined by law relative to general, special, township or charter elections, or the canvassing or return of votes given at any election, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding one thousand dollars, or imprisonment in the state prison not exceeding three years.

Wattles v. People, 13 / 449; People v. Swift, 59 / 543.
Information held good under this section, 105 / 169.

Punishment
for bribing an
elector, etc.

(371) § 11438. SEC. 2. If any person shall by bribery, menace, or any other corrupt means or device whatever, either directly or indirectly, attempt to influence any elector in giving his vote, or deter him from, or interrupt him in giving

the same, at any election held pursuant to the provisions of law, such person shall on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court.

(372) § 11439. SEC. 3. Every person not a qualified voter, who shall, at any election, wilfully give in a vote for any officer then to be chosen; and every qualified voter who, at such election, shall vote or offer to vote in any township or ward in which he does not reside, or who shall vote or offer to vote more than once at the same election, either in the same or any other township or ward, or shall give in two or more votes folded together, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court.

Punishment
for illegal
voting.

(373) § 11440. SEC. 4. Every person who shall procure, aid or counsel any person not duly qualified to vote at the place where the vote is given or offered, to give or offer his vote at any such election, and every person who shall procure, aid, or counsel any person to go or come into any township or ward for the purpose of voting therein, at any election, knowing that such person is not duly qualified to vote in such township or ward, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished in the manner prescribed in the third section of this chapter.

Penalty for
counseling,
etc., any
person not
qualified to
vote.

McDade v. People, 29 / 55.

(374) § 11441. SEC. 5. Any person not duly authorized by law, who shall, during the progress of any election in this state, or after the closing of the polls, and before the ballots are counted, and the result ascertained, break open, or violate the seals or locks of any ballot box in which ballots have been deposited at such election, or who shall obtain undue possession of such ballot box containing such ballots, and conceal, withhold, or destroy the same, or who shall fraudulently or forcibly add to or diminish the number of ballots legally deposited, and all persons aiding or abetting therein, shall be adjudged guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the state prison for a term not exceeding ten years, or by a fine not exceeding one thousand dollars.

Punishment
for violation
of ballot box,
etc.

Drennan v. People, 10 / 173.

(375) § 11442. SEC. 6. It shall be the duty of every inspector of elections, sheriff, constable, and justice of the peace, knowing, or having reason to believe that an offense punishable under the provisions of this chapter, has been committed, to cause the offender forthwith to be arrested, and to

Duty of
sheriff, etc.

give information thereof to the prosecuting attorney without delay, and such prosecuting attorney shall adopt effectual measures for the punishment of all persons who shall violate the provisions of this chapter.

Courts to
charge grand
jury.

(376) § 11443. Sec. 7. It shall be the duty of all courts in this state, having cognizance of such offenses, at each term thereof to charge the grand jury to make presentment of all offenses committed within their respective counties, against any of the provisions of this chapter.

BETTING UPON ELECTIONS.

An Act to preserve the purity of elections.

[Act 172 of 1861.]

The People of the State of Michigan enact:

Penalty for
betting on
election.

(377) § 11444. SECTION 1. That any person who shall, either directly or indirectly, bet, wager, or hazard any money, or other property, upon the result of the election of any officer of this state, or of the United States, shall, on conviction thereof, be liable to a fine at least equal in amount to the amount of money or the value of the property so bet, wagered or hazarded: Provided, That in no case shall such fine be less than five, nor more than five hundred dollars.

Buckley v. Saxe, 10 / 328.

BETTING UPON NOMINATIONS.

An Act to prevent betting upon the result of any political nomination, appointment, or election.

[Act 175 of 1877.]

The People of the State of Michigan enact:

Selling pools
on election,
etc., pro-
hibited.

Penalty for
wagering
money.

(378) § 11445. SECTION 1. That any person who shall keep any room or building for the purpose, in part or in whole, of recording or registering bets or wagers, or of selling pools upon the result of any political nomination, appointment, or election, and any person who shall record or register bets or wagers or sell pools on such result, or any person who shall wager any property, money, or thing exceeding one hundred dollars in value on such result, or shall keep or employ any device or apparatus for the purpose of regis-

tering or recording bets or wagers, or the selling of such pools, shall be deemed guilty of a misdemeanor, and shall on [upon] conviction thereof be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

(379) § 11446. SEC. 2. Any person who shall wager any property, money or thing not exceeding one hundred dollars in value, or shall become the custodian or depository of any money, property, or thing of value, staked, wagered, or pledged, upon the result of any political nomination, appointment, or election, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

Penalty for
wagering
money, etc.

BRIBERY.

An Act to maintain political purity.

[Act 190 of 1877.]

The People of the State of Michigan enact:

(380) § 11447. SECTION 1. That the following persons shall be guilty of bribery, and shall be punished accordingly:

Persons
deemed guilty
of bribery.

First, Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration or promise or endeavor to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting for any person, candidate or ticket at any public election in this state;

Second, Every person who shall, directly or indirectly, by himself or by any other person on his behalf give or procure, or agree to give or procure, or offer or promise any office, place, or employment, or promise to procure or to endeavor to procure any office, place, or employment to or for any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting for any person, candidate or ticket, at any such election;

The offer or
promise of
office, etc.

Third, Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any gift, loan, offer, promise, procurement, or agreement, as aforesaid,

The employ-
ment of others
to corrupt
voters.

to or for any person, in order to induce such person to procure or endeavor to procure the election of any person to any public office in this state, or the vote of any voter at any such election;

Who shall receive gift, etc.

Fourth, Every person who shall upon, or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavor to procure the election of any person or persons to any public office or offices in this state, or the vote of any voter at any such election;

Who shall advance money for bribery of a voter.

Fifth, Every person who shall advance, or pay, or cause to be paid any money to, or to the use of, any other person, with the intent that such money or any part thereof shall be expended in bribery at any such election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any such election.

Penalty for violating preceding sections.

(381) § 11448. SEC. 2. Any person offending, according to the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of two hundred dollars; but the bona fide payment by any candidate for office or other person for the fair and reasonable cost of printing tickets and slips or pasters, and of advertising in the newspapers or by posters any political meeting, and the reasonable and bona fide expenses of holding such meetings and procuring speakers, and getting out the people to the same, of obtaining and distributing papers and tickets and of bringing voters out to the polls; shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this act.

Legitimate election expenses.

Others deemed guilty of bribery.

(382) § 11449. SEC. 3. The following persons shall also be deemed guilty of bribery and on conviction thereof shall be punished as prescribed in the preceding section:

Person who offers to vote or refrain from voting for money, etc.

First, Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, ask, solicit, receive, agree or contract for any money, gift, loan or valuable consideration, office, place, or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting for any person, candidate, or ticket at any public election in this state;

Person who after election receives money, etc.

Second, Every person who shall after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting for any person, candidate, or ticket at any such election.

When candidates shall not provide refreshments.

(383) § 11450. SEC. 4. No candidate for any public office shall corruptly, by himself, or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in

part any expenses incurred for any meat, drink, refreshment, or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election; and every person so offending shall be deemed guilty of corrupt practice, and on conviction thereof shall be fined not less than twenty-five or more than two hundred dollars. Penalty.

(384) § 11451. SEC. 5. The giving or causing to be given to any voter on any election day, on account of such voter being about to vote, or having voted, any meat, drink, or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed a corrupt practice, and persons convicted thereof shall be punished as provided in the preceding section. When others shall not provide refreshments, for purpose of corrupting voter.

(385) § 11452. SEC. 6. Any person who shall directly or indirectly discharge or threaten to discharge any person who may be in his employ for the purpose of influencing his vote at any election in this state, and any priest, pastor, curate or other officer of any religious association or society, who shall impose or threaten to impose any penalty of excommunication, dismissal or expulsion, or who shall command or advise, under pain of religious disapproval, for the purpose of influencing any voter at an election in this state, shall be deemed guilty of corrupt practice, and on conviction thereof shall be punished as provided for in section four of this act. Intimidation of voter.
Penalty.

(386) § 11453. SEC. 7. If any candidate for any public office at any election in this state shall commit bribery, or any corrupt practice, as defined in this act, the election of such candidate, if he has been elected, shall be void, and if he shall enter into the office for which he was elected, an information in the nature of a quo warranto to oust him from such office, may be filed in the supreme court, or the proper circuit court, under chapter two hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one: Provided, Such bribery or corrupt practice shall be proved by at least two witnesses. Election of candidate who commits bribery void.
Proviso.

Chap. 225 referred to is Chap. 275, C. L. 1897.

(387) § 11454. SEC. 8. Any person who shall, directly or indirectly, by himself, or by any other person on his behalf, offer or promise any office, place or employment under the government of the United States, or promise to procure, or to endeavor to procure any such office, place or employment, to or for any member of the legislature, or to or for any other person, in order to induce such member of the legislature to vote or refrain from voting for any person for the office of United States senator from this state, or shall corruptly do any such act as aforesaid, on account of any member of the legislature having voted or refrained from voting as aforesaid, shall be deemed guilty of a felony, and on conviction Attempt to corrupt vote of legislator for U. S. senator.
Penalty.

thereof shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding one thousand dollars.

Spiritu-
ous
liquor, sale of
on election
day prohib-
ited.

(388) § 11455. SEC. 9. It shall be unlawful for any person to sell, barter, or give away any spirituous, vinous or malt liquors, on the day of any election held within this state, under the constitution or laws thereof; and it shall be the duty of all mayors of cities, presidents of villages, and supervisors of townships, within five days previous to the days of election as aforesaid, to issue a proclamation, warning the inhabitants of the provisions of this act, and that all violations of the same will subject the offender to prompt and speedy punishment, and requiring sheriffs, marshals, constables, and police officers to close, and it shall be the duty of such officers to close all houses or places found violating the provisions of this act, and to report forthwith all violations of this act, to the prosecuting attorney and mayor, president or supervisors aforesaid, and whose duty it shall be to immediately prosecute such violations of this act. Any person who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, and costs of prosecution, and on failure to pay such fine and costs, shall be imprisoned in the county jail not less than ten days, nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

Penalty for
sale of.

Unlawful to
sell liquor
after polls
close.

(389) § 11456. SEC. 10. It shall be deemed a violation of this act and of the preceding section to sell, barter, or give away spirituous, vinous or malt liquors on any election day after the hour at which, by law, the polls are closed.

PROTECTION OF PRIMARIES AND CONVENTIONS.

An Act to protect primary elections and conventions of political parties and to punish offenses committed thereat.

[Act 303 of 1887.]

The People of the State of Michigan enact:

Certain
actions a mis-
demeanor.

(390) § 11457. SECTION 1. If at any political primary election held by any political party, organization or association in this state, any person shall falsely personate and vote under the name of any other person, or shall intentionally vote without the right to do so at such primary, or shall fraudulently and wrongfully conceal or destroy ballots cast, or in any manner intentionally and wrongfully deposit ballots in the ballot box, or take them therefrom, or shall commit any other fraud or wrong, tending to defeat or affect the

result of the election, he shall be deemed guilty of a misdemeanor.

(391) § 11458. SEC. 2. The presiding officer and inspectors at any such election shall, before entering upon their duties, severally sign and swear to an oath in the form now required of inspectors at general elections, said oath to be taken before the clerk of the township, village or city in which such election is held, or an alderman of the ward in which said election is held, or any notary public, or any other person qualified under the state to administer an oath. The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected, unless he be sworn as to his qualifications as such voter; and the presiding officer or any inspector of such primary is hereby empowered, and it shall be his duty, to administer an oath to such person and to any other persons offering to vote, as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and his right to vote. He may then be examined as to such qualifications and right to vote. If he shall swear to the necessary qualifications of a voter, as prescribed by the regulations of the association or political organization holding the primary or convention, his vote shall be received. If the person so sworn and examined shall intentionally swear falsely as to his qualifications as a voter he shall be deemed guilty of perjury, and shall on conviction, be punished as now prescribed by law for the crime of perjury.

Oath of inspectors, etc., who to administer.

Challenge of voters.

Who to administer oath.

When vote to be received.

Penalty for false swearing.

Am. 1899, Act 198.

(392) § 11459. SEC. 3. If any person acting as inspector, teller or canvasser at any such primary election shall knowingly receive the vote of any individual who shall have been challenged, or who is known to him not to be entitled by the regulations of the association holding the primary election to vote at such primary, unless the same shall be first sworn in as aforesaid, or shall in any manner fraudulently and wrongfully deposit or put any ballots into, or take any from the ballot box of said primary election, or shall fraudulently and wrongfully mix any ballots with those cast at said primary election, or shall knowingly make any false count, canvass, statement, certificate or return of the ballots cast or vote taken at any such primary election he shall be deemed guilty of a misdemeanor.

Certain acts of inspectors, etc., a misdemeanor.

After several ineffectual attempts to elect a temporary chairman of a nominating convention, a like number of votes being cast for each of the opposing candidates, the vote of one of the delegates was challenged on the ground that the vote in the caucus at which he claimed to have been elected was a tie, and that thereupon the matter was determined between the contesting candidates as follows: A bystander drew from his pocket a handful of coins, and the candidates made their choice of odd or even, and a counting of the coins resulted in favor of the sitting delegate. The chair thereupon appointed a committee on credentials, who reported that the sitting delegate was not entitled to his seat in the convention. And it is held that the appointment of such committee was proper and that their determination is fully sustained by authority.—Beck v. Election Commissioners, 103/192.

Certain acts
of delegate a
misdemeanor.

(393) § 11460. SEC. 4. If any person elected a delegate at any such primary or convention shall accept or receive any money or valuable thing as a consideration for his vote as such delegate he shall be [deemed] guilty of a misdemeanor.

"Primary
election,"
how
construed.

(394) § 11461. SEC. 5. The words "primary election," as used in this act, shall be construed so as to embrace all elections held by any political party, convention, organization or association, or delegates therefrom, for the purpose of choosing candidates for office or the election of delegates to other conventions, or for the purpose of electing officers of any political party, organization, convention or association.

Who may
vote.

(395) § 11462. SEC. 6. No person shall be entitled to vote at any primary election unless of the age of twenty-one years and a duly qualified elector of the state.

Punishment
for offenses.

(396) § 11463. SEC. 7. The punishment of any of the offenses in this act declared to be misdemeanors shall be a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Primary elec-
tion not to be
held in saloon,
etc.

(397) § 11464. SEC. 8. No primary election shall be held in a saloon, barroom, or in any place adjacent to a room or place where intoxicating liquors are sold. Polling places at primary elections may be so arranged that the ballots may be received through an open window, but where the polling or ballot box is inside the room shall be sufficiently large to admit a reasonable number of persons in addition to the inspectors, clerks and challengers.

Caucuses,
time.

(398) § 11465. SEC. 9. Primary elections known as caucuses for the nomination of candidates for local offices and for the appointment of delegates to conventions, shall be made to begin at two o'clock in the afternoon and to continue until eight o'clock in the evening, and at least five days' notice thereof shall be given by publication in one or more daily newspapers in places where such papers are published, and in other cases by posting up notices in at least three public places in the precinct for which the primary election is to be held. The manner of voting at such elections shall be by ballot: Provided, That so much of this section as relates to the hours during which primary elections shall be held, and the manner of voting thereat, shall be applicable only in cities having twenty-five thousand inhabitants and over, as by the last preceding federal or state census.

Notice of.

Proviso.

PURITY OF CONVENTIONS.

An Act to provide for the purity of political conventions and to provide against corruption therein.

[Act 203 of 1895.]

The People of the State of Michigan enact:

(399) § 11466. SECTION 1. That no delegate elected to any city, county, congressional or state political convention shall give a proxy to any person to represent him at such convention, and no person shall receive a proxy from any regularly elected delegate to any such political convention. All vacancies occurring in any delegation to any such convention shall be filled by a majority vote of such delegation; if in a city or county convention, of the delegation from the ward or township; if in a congressional or state convention, by a majority vote of the delegation from the county: Provided, That in a city or county convention the delegation shall not be permitted to fill the vacancy which may occur in its number by any person not a resident of the ward or township from which such absent delegate was chosen and represented by such delegation, and that in a congressional or state convention such delegation shall not be filled by any person not a resident of the county from which such absent delegate was chosen, and any person who shall violate any provisions of this section shall be deemed guilty of a misdemeanor.

Delegates to state political convention, etc., not to give a proxy.

Vacancies in delegation, how filled.

Proviso as to filling delegations.

(400) § 11467. SEC. 2. Any delegate or member of any such convention who shall solicit any candidate for nomination before such convention, for money, reward, position, place or preferment for his support in such convention, or any candidate or other person who shall promise any such delegate money, reward, position, place or preferment for his support, or vote, in such convention, in favor of or against date, shall be deemed guilty of a misdemeanor.

Soliciting or promising reward, etc., by member of convention a misdemeanor.

(401) § 11468. SEC. 3. Any candidate or person who shall pay either money or other valuable consideration, or offer to pay money or valuable consideration, or the expenses of any delegate or member to or at any such convention that may be incurred, as an inducement or for the purpose of securing the vote of any such delegate in favor of or against any candidate that may come before such a convention, shall be deemed guilty of a misdemeanor.

Other misdemeanors.

(402) § 11469. SEC. 4. Any person found guilty of any offense defined in this act as a misdemeanor shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars nor more than five hundred dollars, or to be confined in the county jail not less than ten days nor more than six months, or both such fine and imprisonment in the discretion of the court having jurisdiction thereof.

Penalty for violation of act.

DISTURBANCES.

[Extract from R. S. 1846, Chap. 158.]

Exciting disturbances,
unlawful.

(403) § 11709. SEC. 20. If any person shall make or excite any disturbance or contention in any tavern, store or grocery, manufacturing establishment, or any other business place or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled, he shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or police justice, be punished by a fine not exceeding twenty-five dollars and costs of prosecution, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment in the discretion of the court or magistrate.

Penalty.

Am. 1909, Act 211.
Ware v. Judge, 75 / 495.

CLOSING OF SALOONS.

[Extract from Act 313 of 1887.]

Saloons, closing of, etc.

(404) § 5395. SEC. 17. All saloons, restaurants, bars in taverns or elsewhere, and all other places, except drug stores, where any of the liquors mentioned in this act are sold or kept for sale, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, on all general or any regular city, township or village election days, on Decoration day, Thanksgiving day, Labor day, Christmas day, New Year's day, Fourth of July, and on general or local primary election days until after the close of the polls, and until seven o'clock of the following morning, and on each week day night from and after the hour of nine o'clock, until seven o'clock of the morning of the succeeding day. It shall be the duty of sheriffs, marshals, constables and police officers to close all saloons, houses or places that shall be found open in violation of the provisions of this section, and to report forthwith all such violations to the prosecuting attorney, whose duty it shall be to immediately prosecute for such violations. The word "closed" in this section shall be construed to apply to the back door or other entrance, as well as to the front door; and in prosecutions under this section it shall not be necessary to prove that any liquor was sold: Provided, That in all cities, incorporated villages and townships of not less than one thousand population, exclusive of villages where there is police protection, the common council, or board of trustees, or council, or township board, may by ordinance

Time.

"Closed,"
defined.

Proviso.

allow the saloons and other places where said liquor shall be sold to open at six o'clock in the forenoon and to remain open not later than eleven o'clock in the afternoon and no longer of any week day night, except on general or any regular city, township or village election days, Decoration day, Thanksgiving day, Labor day, Christmas day, New Year's day, Fourth of July, and on general or local primary election days until after the close of the polls: Provided, That in cities of forty thousand population and over, the council may by ordinance extend the closing hour to twelve o'clock midnight. Any person found in the act of violating any of the provisions of this section shall be deemed guilty of a breach of the peace and punished accordingly; and the arrest therefor may be without process. All officers authorized to make arrests for a breach of the peace shall have like power to make arrests under the provisions of this section as in other cases of a breach of the peace.

Proviso, may
extend hour.

Violations.

Am. 1909, Act 291; 1911, Act 170.

SHALL BE CLOSED: The meaning of the term "closed" is, that the sales at least shall be entirely stopped and the traffic shut off effectually, so that drinking and the conveniences for drinking shall be no longer accessible, and those who frequent saloons for that purpose shall be dispersed.—*Kurtz v. People*, 33/281. The person who engages in the business of carrying on a saloon must at his peril see that no necessity exists for keeping the same open, by carrying on any other business therein, which would require the doors to be open, or for persons to enter therein.—*People v. Waldvogel*, 49/338; *People v. Blake*, 52/568; *People v. Roby*, 52/577; *People v. Minter*, 59/558. A saloon cannot be opened on such a day even for the purpose of cleaning it.—*People v. Waldvogel*, 49/337; *People v. Roby*, 52/577; *People v. Higgins*, 56/163. And if any outsider has access for any purpose, for no matter how short a time, the law is violated.—*People v. Higgins*, 56/159. A saloon is not closed, so long as it is possible for persons desiring liquor to get in peaceably, by any entrance, or so long as any customer who is inside at the time for closing remains inside; and it is not important that there is no one attending the bar, if the liquor is accessible.—*People v. Cummerford*, 58/328. In a city which has adopted the primary election system and nominates candidates for local offices on a fixed day, it is a violation of this section to keep saloons open on such day.—*People v. Doyle*, 160/423.

SALOON: Three rooms opened into one another and the rear one had an outer door. A bar in the front room and the back ones were used for card playing and drinking. Between the front and back rooms was a hole in the wall. Held, that the saloon included the three rooms.—*People v. Higgins*, 56/159. See, also, *People v. Scranton*, 61/244. If a saloon-keeper connects his living rooms with his saloon proper and permits the free passage of customers back and forth, sometimes serving liquors in his living rooms, the whole will be considered a saloon.—*People v. Cox*, 70/247; *People v. Talbot*, 120/486.

SALE NOT NECESSARY: The purpose of the statute is to prevent the sale of liquors on holidays in any place of resort for refreshments.—*People v. Hobson*, 48/27. The object is not merely to punish the sale, but to remove the danger that advantage might be taken of the saloon's being open to sell clandestinely what, on other days, is sold openly.—*People v. Beller*, 73/641. Therefore an actual sale of liquor is not necessary to constitute an opening under the law.—*People v. Cummerford*, 58/328; *People v. Robins*, 70/130; *People v. Cox*, 70/247; *People v. Hughes*, 86/184.

BREACH OF THE PEACE: The provision allowing officers to close, on their own determination, places of sale and to arrest parties without process as for a breach of the peace, is unconstitutional.—*Robison v. Miner*, 68/549; *People v. Rohrer*, 111/31.

CHAPTER IX.—COUNTY OFFICERS.

ELECTION AND QUALIFICATION.

COUNTY TREASURER.

County treasurer elected for two years; to give bond.

(405) § 2534. SEC. 35. The county treasurer shall be elected at the general election for the term of two years, and shall be incapable of holding the office of county treasurer longer than four in any period of six years. He shall give a bond for the faithful and proper discharge of the duties of his office as hereinafter directed.

Rice v. Shay, 43 / 380.

Office, how supplied in case of vacancy, etc.

(406) § 2537. SEC. 38. In case the office of county treasurer shall become vacant, or in case the treasurer, from any cause, shall be incapable of discharging the duties of his office, the board of supervisors may, if in their opinion the interests of the county require it, by writing under their hands, select a suitable person to perform the duties of the treasurer; and such person so selected, upon giving such bond for the faithful performance of the duties of the office as the said board shall direct, may perform such duties until such vacancy shall be filled, or such disability be removed.

Hunt v. Buhner, 133 / 115.

Who not to be treasurer.

(407) § 2538. SEC. 39. No person holding the office of prosecuting attorney, judge of a county court, county clerk, supervisor, or sheriff, shall hold the office of county treasurer.

JUDGE OF PROBATE.

Probate judge, election of, term, etc.

Additional judge.

Powers, duties, compensation, etc.

(408) § 2549. SEC. 51. The judge of probate for each organized county shall be elected at the general election for the term of four years and shall have possession of the seal, records, books, files and papers belonging to the court of probate, and shall keep a record of all orders, decrees and other official acts made or done by him, which records may be inspected by all persons interested without charge. In counties having two hundred fifty thousand inhabitants there shall be two judges of probate who shall be elected at alternate biennial elections. They shall have equal powers, duties and compensation, except that the power of appointment, nomination and removal of the several employes provided by law for such court and the offices connected therewith, and the general direction and control of the business of such court, including the division of the work between the two judges, shall be vested in the judge having served for the longest

period continuously. Whenever the United States census shall show that any county has two hundred fifty thousand inhabitants, the additional office herein provided for shall be deemed to be created and vacant, which vacancy shall be filled by appointment of the governor, and the person so appointed shall hold office until a successor is elected and qualified. At the next general election a successor to such officer shall be elected who shall hold office until his successor shall be elected at the next alternate biennial election provided for in section fourteen of article seven of the constitution, and shall have qualified.

Vacancies,
how?
determined
and filled.

Successor,
how elected,
term of
office.

Am. 1909, Act 48.

Election to fill vacancy in office of.—*Secord v. Foutch*, 44 / 89; *People v. Palmer*, 91 / 288.

Probate judges are in no sense county officers.—*Douvielle v. Manistee Supervisors*, 40 / 585.

COUNTY CLERKS.

(409) § 2570. SEC. 61. The county clerk in each organized county shall be elected at the general election, for the term of two years, and shall give a bond to the people of the state, in the penal sum of two thousand dollars, to be approved by the circuit judge, for the faithful discharge of the duties of his office.

Election, term
of office, and
bond.

(410) § 2575. SEC. 66. The clerk of each county shall transmit to the secretary of state annually, within one week after the fourth day of July, a list, certified by him, of all justices of the peace of the county, stating the time of their respective elections and their terms of service, their postoffice addresses, and whether elected to fill a vacancy, and if so, what vacancy; and whenever the county clerk shall receive information of the death, removal, or resignation of any justice of the peace of his county, it shall be his duty, forthwith, to notify the secretary of state of such vacancy; he shall also annually, immediately after receiving from the township and city clerks of his county the names and postoffice addresses of the township and city officers, transmit to the secretary of state the names and postoffice addresses of the several township and city clerks and supervisors, with the name of the township or city for which they are such clerks and supervisors set opposite their respective names.

Clerk to trans-
mit list of jus-
tices to secre-
tary of state.

Also of town-
ship and city
clerks and
supervisors.

SHERIFFS.

(411) § 2577. SEC. 68. The sheriff of each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this state in the penal sum of ten thousand dollars, and with such sufficient sureties, not less than three in number, as the judge of the circuit court, or the county judge shall approve.

When sheriff
elected; term
of office; bond

People v. Mayworm, 5 / 146; *Lamoreaux v. Att'y Gen.*, 89 / 147.

CORONERS.

Two coroners
to be elected
in each
county.

(412) § 2607. SEC. 86. Two coroners shall be elected for each of the organized counties of this state, at the general election, for the term of two years, who shall give bond to the people of this state, in such penal sum, and with such sufficient sureties, as the judge of the circuit court, or the county judge, shall direct and approve, the condition of which bond shall be in substance the same as that to be given by the sheriff; varying only in the description of the office.

People v. Cicott, 16 / 283.

REGISTER OF DEEDS.

Election of.

(413) § 2610. SEC. 89. The register of deeds for each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this state in the penal sum of three thousand dollars, with two sureties to be approved by the county treasurer, the condition of which shall be, that he shall faithfully and impartially discharge the duties of his office.

When judge
to appoint
person to per-
form duties of
register.

(414) § 2614. SEC. 93. If, during a vacancy in the office of the register of deeds, or his absence or inability to perform the duties of his office, there shall be no deputy register, or if such deputy be unable from any cause to perform the said duties, the judge of probate of the county may, by writing under his hand, appoint some suitable person to perform the duties of register of deeds for the time being, who shall take an oath of office, and give such bond as the said judge shall direct and approve.

See section 440.

COUNTY SURVEYOR.

Election of.

(415) § 2617. SEC. 95. The county surveyors for each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this state, in the penal sum of two thousand dollars, with two sureties to be approved by the county treasurer, conditioned for the faithful and impartial discharge of the duties of his office.

FILING OATHS AND BONDS BY COUNTY OFFICERS.

Certain
officers to
take oath,
etc.

(416) § 2641. SEC. 118. Each of the officers named in this chapter, except notaries public and prosecuting attorneys, shall, before entering upon the duties of his office, and within twenty days after receiving official notice of his election, or within twenty days after the commencement of the term for which he was elected, take and subscribe the oath of office prescribed by the constitution of this state, before some officer authorized by law to administer oaths, and deposit the same with the clerk of the proper county, who shall file and preserve the same in his office.

FORM OF OATH: See section 73.

(417) § 2642. SEC. 119. Each of the said officers of whom a bond shall be required by law, except the said treasurer, before entering upon the duties of his office, and within the time limited in the last preceding section for depositing his oath, shall deposit his bond with the said treasurer, who shall file and preserve the same in his office; and the said treasurer, before entering upon the duties of his office, and within the time limited in the preceding sections for depositing his oath, shall deposit his bond with the clerk of the county, who shall file and preserve the same in his office.

Filing of official bonds.

Detroit v. Weber, 26 / 284; People v. Johr, 22 / 461. An officer who is himself a surety on the bond cannot approve it.—Stevenson v. Bay City, 26 / 44; Gallery v. Bank, 41 / 172.

(418) § 2645. SEC. 122. Whenever the governor shall appoint a prosecuting attorney, the secretary of state shall transmit his commission to the clerk of the county for which such prosecuting attorney was appointed, and the county clerk, on receiving such commission, shall immediately give notice thereof to the person so appointed.

Commission of prosecuting attorney to be transmitted.

Clerk to give notice.

(419) § 2646. SEC. 123. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice of his appointment, appear before the county clerk, and take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, who shall thereupon deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the secretary of state of the filing of such oath, and of the time of filing the same.

Person appointed to take oath before clerk.

(420) § 2647. SEC. 124. The regular terms of office of the several county officers elected at the general election shall commence on the first day of January succeeding their election, but those elected at the general election, or at a special election, to fill vacancies, may qualify and enter upon the execution of their offices immediately after being notified of their election.

Term, when to commence.

CIRCUIT COURT COMMISSIONERS.

An Act relative to circuit court commissioners, their election, powers, and duties.

[Extract from Act 204 of 1881.]

The People of the State of Michigan enact:

(421) § 1064. SECTION 1. That there shall be elected at the next general election to be held in this state, and every two years thereafter, one circuit court commissioner in each of the organized counties, who shall enter upon the discharge of their official duties on the first day of January succeeding their election, and shall hold their offices two years, and be

Election.

Proviso. vested with judicial powers not exceeding those of a judge of the circuit court at chambers: Provided, That in each county in this state wherein any census taken by the authority of this state, or of the United States, shall show a population of twenty thousand or more, there shall be elected at the general election next succeeding the taking of such census, and every two years thereafter, two such circuit court commissioners.

County canvassers to designate which person to succeed to office. (422) § 1065. SEC. 2. Whenever, in any county, two circuit court commissioners shall have been elected, it shall be the duty of the board of county canvassers to designate which of the persons so elected shall succeed to the office theretofore held by each circuit court commissioner: Provided, That if in any case the said board of county canvassers shall neglect or refuse to make such designation it may be made by the circuit judge of the judicial circuit of which such county constitutes the whole or a part.

Must be attorney. (423) 1066. SEC. 3. No person shall be elected a circuit court commissioner unless he be at the time an attorney and counselor at law of the supreme court.

Oath of office. (424) § 1067. SEC. 4. Every circuit court commissioner, before he shall enter upon the duties of his office, shall take and subscribe the oath of office prescribed by the constitution of this state, before some judge or clerk of a court of record, and cause the same to be filed by him in the office of the county clerk of his county.

Bond. (425) § 1080. SEC. 17. Each circuit court commissioner, before entering on the performance of the duties by this act prescribed, shall execute a bond to the people of this state, with sufficient surety or sureties to be approved by the circuit judge or clerk of his county, conditioned for the faithful performance of the duties required of him by this act, in the penal sum of not less than three thousand nor more than five thousand dollars, in the discretion of the circuit judge or county clerk by whom the same may be approved; said bond, when approved, shall be filed with the county clerk of the proper county.

Vacancy, how filled. (426) § 1090. SEC. 27. Whenever a vacancy shall occur, for any cause, in the office of circuit court commissioner of any county, the governor may fill such vacancy by the appointment of a person eligible to such office, who shall, upon taking the official oath and executing and filing the bond, as provided in section seventeen of this act, be authorized and required to discharge all the duties of circuit court commissioner, and shall be liable to all the provisions of law touching said office, and shall hold the same until his successor shall be duly elected and qualified.

An Act to repeal all local or special acts providing a salary of one thousand dollars to circuit court commissioners.

[Act 259 of 1911.]

The People of the State of Michigan enact:

(427) SECTION 1. All local or special acts providing a salary of one thousand dollars to the circuit court commissioners of any county in this state are hereby repealed, to take effect December thirty-one, nineteen hundred twelve. Acts repealed.

COUNTY COMMISSIONER OF SCHOOLS.

[Extract from Act 147 of 1891.]

(428) § 4809. SEC. 2. There shall be elected at the election held on the first Monday in April, nineteen hundred three, and every fourth year thereafter, in each county, one commissioner of schools, whose term of office shall commence on the first day of July, next following his or her election, and who shall continue in office four years, or until his or her successor shall be elected and qualified. The county commissioner of schools elected under the provisions of this section shall file with the county clerk for the county for which he or she is elected, his or her oath of office and bond, the same as provided in section one of this act, and the county clerk shall make the same report to the superintendent of public instruction in all respects as provided in section one of this act: Provided, That in the county of Chippewa the commissioner of schools heretofore elected on the first Monday in April, nineteen hundred three, shall hold office until the first day of January, nineteen hundred nine, or until his successor shall be elected and qualified. Hereafter in the said county of Chippewa, a commissioner of schools shall be elected at the general election to be held in November, nineteen hundred eight, and every fourth year thereafter, whose term of office shall commence on the first day of January next following his or her election: Provided, That in the county of Lake the commissioner of schools heretofore elected on the first Monday in April, nineteen hundred seven, shall hold office until the first day of January, nineteen hundred eleven, or until his successor shall be elected and qualified. Hereafter in the said county of Lake, a commissioner of schools shall be elected at the general election to be held in nineteen hundred ten and every fourth year thereafter, whose term shall commence on the first day of January next following his or her election.

Election of county commissioner of schools.

File oath and bond.

Proviso as to Chippewa county.

Proviso as to Lake county.

Eligibility.	(429) § 4810. SEC. 3. Persons eligible to hold the office of commissioner of schools must possess the following qualifications:
Teacher.	(a) Twelve months experience as a teacher in the public schools of this state;
Graduate.	(b) Must be a graduate of the literary department of some reputable college, university, or state normal school having a course of at least three years: Provided, That the holder of a state teacher's certificate, or of an indorsed first grade certificate, or of a certificate granted in another state and indorsed by the state board of education of this state, shall be eligible in any county: Provided further, That persons who now hold the office of commissioner of schools shall be eligible to succeed themselves: Provided further, That in counties employing less than fifty teachers a person holding at the time of his or her election a second grade certificate shall be eligible in the county where such certificate was granted, unless a person qualified as heretofore provided cannot be secured to fill the position.
Proviso, teachers' certificate.	
Further proviso.	
Further proviso.	

Am. 1909, Act 222.

QUALIFICATIONS OF COMMISSIONER: A high school is not a college within the meaning of this section. A special first grade certificate not granted at one of the regular public examinations provided for by law, or one granted without any examination, or one granted upon public examination after election as commissioner, does not qualify.—*People v. Howlett*, 94/165. The legislative intent is to keep up the standard of teachers by requiring certain educational qualifications in the persons whose duty it is to examine the teachers and determine their fitness for their work.—*People v. Howlett*, 94/169. It was held that persons elected to the office of commissioner, and holding the same after the amendment of 1895, are eligible since the statute is still the act of 1891, notwithstanding the amendments.—*Att'y General v. Lewis*, 151/81.

Vacancy,
how filled.

(430) § 4819. SEC. 12. Whenever by death, resignation or removal from office, or otherwise, a vacancy shall occur in the office of county commissioner of schools, the county clerk shall issue a call to the board of supervisors of the county and said board shall meet at the office of the county clerk on a date to be named in said notice, not more than ten days from the date of such notice, and said board shall appoint a person who is qualified according to statute to fill the vacancy for the unexpired portion of the term of office.

Am. 1909, Act 222.

DRAIN COMMISSIONERS.

[Extract from Act 254 of 1897, Chap. II.]

Drain commissioner,
election of.

(431) § 4310. SECTION 1. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred twelve, and every second year thereafter, one county drain commissioner shall be elected in every organized county in this state by the qualified elect-

ors thereof. The term of office of such county drain commissioner shall begin on the first day of January next succeeding his election and continue for a period of two years thereafter and until his successor shall be elected and qualified. In case of a vacancy occurring in the office of county drain commissioner for any cause, the same shall be filled as soon as practicable thereafter by the appointment by majority vote of the county clerk, prosecuting attorney and judge of probate of the county, of which appointment they will file their certificate under their hands and seals in the office of said county clerk; and it shall be the duty of the county clerk to make report to the secretary of state of the appointment and qualification of said county drain commissioner. Such county drain commissioner whether elected or appointed to fill a vacancy, before entering upon the duties of his office, shall take, subscribe and file with the county clerk the constitutional oath of office, and shall also within the same time execute and file with such county clerk a bond to the people of the state of Michigan in the penal sum of five thousand dollars with two or more sufficient sureties to be approved before filing by the county clerk, county treasurer and judge of probate, conditioned upon the faithful discharge of the duties of his office: Provided, That the board of supervisors of any county may fix the bond to be required of the drain commissioner at a different amount, when in its judgment the same may be desirable.

Term of office.

Oath of office, bond, etc.

Proviso.

Am. 1899, Act 272; 1909, Act 118; 1911, Act 185.

(432) § 4311. SEC. 2. All county drain commissioners holding such office on December thirty-first, nineteen hundred nine, shall continue to be such commissioners until their respective successors are elected and qualified in accordance with the provisions of the foregoing section.

Present incumbents.

Am. 1909, Act 118.
Sec. 8 which stated certain officers as disqualified for the office of county drain commissioner was repealed by act 185 of 1911.

MINE INSPECTORS.

[Extract from Act 163 of 1911.]

The People of the State of Michigan enact:

(433) SECTION 1. There shall be elected at the general election in the year nineteen hundred twelve, and at every general election thereafter an inspector of mines for the term of two years in any county within this state where there are iron or copper mines situated and working, some suitable person who is a citizen of this state, who can read and write the English language, and who has had at least ten years' When elected.
Term.
Qualifications.

actual experience in mining, timbering and general underground work, or a person holding the degree of mining engineer, or an equivalent degree, and who shall have practiced his profession as such engineer for at least two years.

Present
officers to
serve pending
elections.

(434) SEC. 2. Until the election and qualification of the first inspector of mines to be elected as provided by this act, the inspector of mines and the deputy inspectors heretofore appointed by any board of supervisors shall continue to serve until their terms of office have expired, and such board of supervisors where there are iron or copper mines situated and working is hereby authorized and directed to appoint their successors and to remove the same or any one thereof whenever in its judgment the best interests of owners and employes may so require, and to fill vacancies arising from any other cause than removal, but no such inspectors of mines or deputy inspectors appointed by or serving under any appointment of any board of supervisors shall hold office beyond the first day of January succeeding the election of the first inspectors of mines to be elected as provided by this act. Such inspectors of mines and deputy inspectors heretofore appointed or to be appointed by any board of supervisors, shall perform all of the duties of inspector of mines and deputy inspectors of mines until the election and qualification of the first inspectors of mines to be elected as herein provided.

Vacancies,
how filled.

Term of office.

Duties.

Regular
terms, when
to commence.

(435) SEC. 3. The regular terms of office of the inspectors of mines to be so elected shall commence on the first day of January succeeding their election.

Vacancy, how
filled.

(436) SEC. 4. In case of any vacancy in the office of the inspector of mines, the governor shall by writing under his hand appoint some suitable person who is possessed of the same qualifications as the officers provided for in section one, to perform for the time being the duties required by law to be performed by such inspector.

Bonds,
amount of.

(437) SEC. 5. The inspector of mines when so elected shall give bonds in the sum of five thousand dollars, with good and sufficient sureties to be approved by the circuit judge or judge of probate of the county in which such inspector shall be elected for the faithful performance of his duties, which said bond shall be payable to the people of this state and shall be filed with the clerk of the county where he is so elected.

Where filed.

Deputy in-
spectors.

(438) SEC. 6. The inspector of mines when so elected may appoint one or more deputy inspectors, not exceeding three, as in his judgment may be necessary for the purpose of discharging the duties hereinafter prescribed, and may revoke such appointments at his pleasure. Any and all such deputy inspectors in any county shall be under the supervision of the inspector of mines, and their duties shall be prescribed by him.

Duties.

APPROVAL OF BONDS.

An Act to provide for the approval of the official bonds of county officers by the board of supervisors.

[Act 27 of 1873.]

The People of the State of Michigan enact:

(439) § 2648. SECTION 1. All official bonds of county officers which are now required by law to be approved by the judge of the circuit court, shall hereafter be approved by the board of supervisors of the county in which said officers are elected: Provided, however, That if the board of supervisors in any case shall not have approved of such bonds or the sufficiency of the sureties thereto, before any such officer shall enter upon the duties of his office, the circuit judge of the circuit to which such county may be attached, or the judge of probate of such county may, on application of the officer so elected, approve of the bond and sureties thereto, on being satisfied of the pecuniary responsibility of the sureties to meet the exigencies of said bond, subject, however, to the approval of the board of supervisors at their first meeting thereafter: Provided, That this act shall not be in force or operation in Wayne county.

Bonds of county officers to be approved by board of supervisors.

Proviso, Wayne county excepted.

Section 2 repeals "all acts or parts of acts contravening the provisions of this act."—Bay Co. v. Brock, 44/49. See also sections 416-17.

CHAPTER X.—RESIGNATIONS, VACANCIES AND REMOVALS FROM OFFICE.

RESIGNATIONS.

[Extract from Ch. 15, R. S. of 1846.]

(440) § 1153. SECTION 1. Resignations shall be made as follows: Resignations, to whom made.

1. By the governor, lieutenant governor, and all officers elected by joint vote of the senate and house of representatives: to the legislature;

2. By officers appointed by the governor alone, or by the governor by and with the advice and consent of the senate, or both branches of the legislature: to the governor;

3. By senators and representatives, to the presiding officers of their respective houses, who shall immediately transmit the same to the governor;

4. By all other officers who hold their offices by election, except officers elected at township meetings: to the officer or officers respectively authorized by law to order a special election to fill such offices respectively;

5. By all other officers holding their offices by appointment, and not by election: to the body, board, or officer that appointed them.

Sherman v. Supervisors, 84 / 111. When a resignation will be presumed.—*Bird v. Perkins*, 33 / 30.

Duties of officers, etc., to whom resignations are made.

(441) § 1154. SEC. 2. It shall be the duty of all officers, bodies, or boards to whom the resignation of any office contemplated in the last preceding section, is authorized to be made, or who are authorized to fill any vacancy in any of said offices, or to order a special election therefor, when duly informed of the existence of such vacancy, to cause to be filed in the office of the secretary of state a statement of the occurrence, with the date and cause of such vacancy.

Secord v. Foutch, 44 / 92.
See section 443.

VACANCIES.

What events to create vacancy.

(442) § 1155. SEC. 3. Every office shall become vacant, on the happening of either of the following events, before the expiration of the term of such office:

1. The death of the incumbent;
 2. His resignation;
 3. His removal from office;
 4. His ceasing to be an inhabitant of this state; or, if the office be local, of the district, county, township, city or village, for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged;
 5. His conviction of any infamous crime, or of any offense involving a violation of his oath of office;
 6. The decision of a competent tribunal, declaring void his election or appointment; or,
 7. His refusal or neglect to take his oath of office, or to give or renew any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law:
- Provided, That the supervisor of any township, in which the office of a township treasurer or justice of the peace may become vacated by operation of this act, shall immediately transmit to the county clerk of the county in which such township treasurer or justice of the peace resides, a notice in writing, officially signed by him, informing the county clerk that the office of such township treasurer or justice of the peace is vacated.

Proviso.

SUBDIVISION 7: A party, however well entitled to an office, loses his right unless he files his oath and bonds.—*Wayne Auditors v. Benolt*, 20 / 181; *Paw Paw v. Eggleston*, 25 / 36. But the directions as to time are not applicable to a person to whom the election board refuses a certificate, but can apply only to the person declared elected.—*People v. Mayworm*, 5 / 146; *Wayne Auditors v. Benolt*, 20 / 181. One who has been elected to the office of justice of the peace and has entered upon the duties thereof, is an officer de facto, notwithstanding his failure to file his oath of office, and bond within the time prescribed by law.—*People v. Payment*, 109 / 553.

ACCEPTING INCOMPATIBLE OFFICE: The rule is well settled that he who, while occupying one office accepts another incompatible with the first, ipso facto vacates the first office.—*Northway v. Sheridan*, 111 / 18.

An Act in relation to vacancies in certain state and county offices.

[Act 190 of 1879.]

The People of the State of Michigan enact:

(443) § 1156. SECTION 1. That in case a vacancy shall occur in any public office, which vacancy may be filled by appointment by the governor or otherwise, notice of such vacancy and of the facts why the same exists, shall within ten days after such vacancy shall occur, be given in writing to the officer, board or body, having power to fill such vacancy by appointment. Such notice shall be given as follows: If such vacancy shall be in any county office, excepting county clerk, by the clerk of the county wherein the same shall occur; if in the office of the circuit judge or judges or recorders of said city courts, by the clerk of the county wherein such officer may reside at the time the vacancy shall occur; if in the office of county clerk of any county, by the judge of probate of the same county; if in the office of secretary of state, by the state treasurer, and in all other cases by the secretary of state; in all cases where a vacancy may occur in an office the salary of the incumbent of which shall be paid in whole or part from the state treasury, the officer, board or body having the appointing power shall immediately after receiving notice of such vacancy notify the auditor general of such vacancy.

How vacancies in certain offices filled.

Notice of vacancy, where filed.

See section 441.

REMOVALS FROM OFFICE.

[Extract from Ch. 15, R. S. of 1846.]

(444) § 1157. SEC. 4. The secretary of state, auditor general, and all state and county officers, except the state treasurer, and judges of the supreme and circuit courts, who are, or shall be appointed by the governor alone, or by the governor, by and with the advice and consent of the senate, or of both branches of the legislature, or by the legislature without the concurrence of the governor, may, for official misconduct, or habitual or wilful neglect of duty, at any time during the recess of the legislature, be removed, and the vacancy supplied during such recess, by the governor.

Certain officers may be removed for misconduct.

NO REMOVAL WITHOUT CAUSE: Officers cannot be removed without cause.—People v. Lord, 9/227; People v. Therrien, 80/187. Our state system favors appointments for fixed periods and almost entirely rejects the policy of removals at will.—Mead v. Ingham Co. Treasurer, 86/416. This law contains no provision of removal applicable to county superintendents of the poor.—Id. 418.

Persons appointed may be removed.

(445) § 1158. SEC. 5. All officers who are, or shall be appointed by the governor to fill a vacancy which shall have existed during the recess of the legislature, may be removed by the governor.

Governor may remove officers for certain reasons.

(446) § 1159. SEC. 6. The governor may remove all county officers chosen by the electors of any county or appointed by him, and shall also remove all justices of the peace and township officers chosen by the electors of any township, or city or village officers chosen by the electors of any city or village, when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer is incompetent to execute properly the duties of his office, or has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer after his election or appointment shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true, with a statement of the prosecuting attorney of the county, that in his opinion the case demands investigation. But no such officer shall be removed for such misconduct or neglect unless charges thereof shall have been exhibited to the governor, as above provided, and a copy of the same served on such officer, and an opportunity given him of being heard in his defense.

When may investigate.

Officer to be given opportunity to be heard.

Miner v. Supervisors, 49 / 602; *Clay v. Stuart*, 74 / 411; *Att'y Gen. v. Detroit Com. Council*, 112 / 169.

When and by whom county clerks may be removed.

(447) § 1165. SEC. 12. The judge of the circuit court and the circuit court commissioner shall have authority, in term or vacation, to remove the county clerk when in their opinion he is incompetent to execute properly the duties of his office, or when, on charges and evidence, they shall be satisfied that he has been guilty of official misconduct, or habitual or wilful neglect of duty, if in their opinion such misconduct or neglect shall be a sufficient cause for such removal; but no such clerk shall be removed for such misconduct or neglect, unless charges thereof shall have been preferred to said judge or commissioner, and notice of the hearing with a copy of the charges delivered to such clerk, and a full opportunity given him to be heard in his defense. All expense on the part of the prosecution for examination of charges, provided for in the preceding section of this act, shall be paid by the counties in which the officer to be examined holds his office.

Charges to be preferred.

Expenses of examination.

When governor may declare certain offices vacant.

(448) § 1166. SEC. 13. The office of state treasurer, commissioner of the land office, or of any other collector or receiver of public moneys, appointed by the legislature, by the

governor alone, or by the governor, by and with the advice and consent of the senate, or of both branches of the legislature, except those officers for whose removal provision is otherwise made by law, may be declared vacant by the governor, in case it shall appear to him on sufficient proofs, that such treasurer, commissioner or other officer, has in any particular wilfully violated his duty.

An Act to subject all persons holding office under the government of the state of Michigan to removal from office for drunkenness.

[Act 79 of 1871.]

The People of the State of Michigan enact:

(449) § 1167. SECTION 1. That the drunkenness of any person holding office under the constitution or laws of this state shall be good cause for removal from office by the authority and in the manner provided by law.

Drunkenness cause for removal from office.

SUPPLYING VACANCIES.

[Extract from Ch. 15, R. S. of 1846.]

(450) § 1169. SEC. 15. When at any time there shall be in either of the offices of county clerk or prosecuting attorney, no officer duly authorized to execute the duties thereof, the judge of the circuit court of the circuit in which the county where such vacancy exists, shall be situated, may appoint some suitable person to perform the duties of either of said officers for the time being; and when at any time there shall be in either of the offices of sheriff, coroner, register of deeds, or county surveyor, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the county clerk and prosecuting attorney of the county to perform the duties of either of said offices for the time being.

Circuit judge may temporarily fill vacancies.

Other county offices.

Sayles v. Judge, 82/89; Lamoreaux v. Att'y Gen., 89/149. Temporary vacancies in county offices are filled by appointment and not by election.—Att'y Gen. v. Hollister, 59/591.

REGISTER OF DEEDS: See section 414.

(451) § 1170. SEC. 16. Each of the persons appointed in pursuance of either of the two last preceding sections, shall, before proceeding to execute the duties assigned him, comply with such conditions and directions as shall be prescribed and given relative to oaths and bonds, by the officer or officers appointing him as aforesaid.

Persons appointed to fill vacancy to comply with directions, etc.

An Act prescribing the manner of filling vacancies in certain state offices.

[Act 159 of 1851.]

The People of the State of Michigan enact:

Vacancies in certain state offices, how filled. —

(452) § 1172. SECTION 1. That whenever, from any cause, there shall be a vacancy in the office of auditor general, attorney general, secretary of state or state treasurer, superintendent of public instruction, or commissioner of the state land office, the governor shall have power to appoint some suitable person to fill such vacancy, and the person so appointed shall take the same oath of office, and give a bond in the same manner as provided by law for the officer for whose vacancy he shall be so appointed; and such person shall hold such office, unless sooner removed by competent authority, until his successor shall be elected and qualified under the constitution of this state, or until the close of the next session of the legislature.

DECLARING AND FILLING VACANCIES BY BOARDS OF SUPERVISORS.

[Extract from Act 156 of 1851.]

Boards of supervisors, power of.

(453) § 2484. SEC. 11. The said several boards of supervisors shall have power and they are hereby authorized at any meeting thereof lawfully held:

Certain officers to give bonds.

Fourteenth, To require any county officer whose salary or compensation is paid by the county, to make a report under oath to them on any subject or matters connected with the duties of his office, and to require such officers to give bonds or further or additional bonds, as shall be reasonable or necessary, for the faithful performance of their respective duties; and any such officer who shall neglect or refuse to make any such report, or to give such bond within a reasonable time after being so required, may be removed from office by such board by a vote of two-thirds of all the members elect, and the office declared vacant, and such board may fill such vacancy for the unexpired portion of the time for which such officer was elected or appointed: Provided, That if the spring or fall election shall occur before the expiration of the said unexpired term, if the office be an elective one, the vacancy shall be filled at such election, and it shall be the duty of such board to give reasonable notice of such election to fill the vacancy.

Proviso.

Am. 1905, Act 98; 1909, Act 322.

See section 414.

This subdivision does not give the board the general power of removal, but only for the two causes named—failure to report and neglect to give bonds.—Mead v. Ingham Co. Treasurer, 36/416. Cases of incompetency, see Trainor v. Wayne Co. Auditors, 89/162.

CHAPTER XI.—ELECTION OF CERTAIN OFFICERS.

CIRCUIT JUDGES.

An Act to provide for the election of circuit judges and regents of the university.

[Act 25 of 1851.]

The People of the State of Michigan enact:

(454) § 3735. SECTION 1. That an election shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter, in each of the judicial circuits into which, under the revised constitution and schedule thereto, and laws, the state is divided, by the electors thereof, of one circuit judge and one regent of the university, who shall hold their offices respectively for the term of six years, and until their successors are elected and qualified.

Election of circuit judges.

So far as relates to regents of the university, this act is superseded by the act immediately following. When this act was passed, Const. XIII, 6, provided for the election of a regent in each judicial circuit.

(455) § 3736. SEC. 2. The inspectors of elections in the several townships and wards in cities throughout the state, are hereby required to prepare a ballot box to receive all ballots that may be offered at such election for circuit judge and regent of the university, both of which officers shall be voted for on one ballot.

Duties of inspectors of election.

(456) § 3737. SEC. 3. The secretary of state shall, immediately after the passage of this act, transmit to the sheriff of each county included within the several judicial circuits of this state a notice in writing, containing a brief statement of the contents of this act, and he shall cause a copy of this act to be published in such newspapers within the several judicial circuits as he may deem proper, once in each week from the date of the notice till the election aforesaid.

Secretary of state to give notice to sheriffs.

(457) § 3738. SEC. 4. The sheriffs of the several counties, on receiving the notice hereby provided for, shall forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election of each ward in any city, of such election; and it shall be the duty of the township clerks and inspectors of election receiving said notice to give eight days' notice, except for the election in eighteen hundred and fifty-one, in writing, under their hands respectively, to the electors of the township or ward, of the time and place of holding such election, by posting the same up in at least three public places in the township or ward.

Sheriffs to notify township clerks, etc.

Township clerks to give notice of.

Election, canvass, etc.

(458) § 3739. SEC. 5. The election provided for by this act shall be conducted in the same manner as by existing laws is provided for the holding of a general election; and the inspectors of elections shall make the same canvass, statement and returns, and they are hereby invested with the same powers and authority as are provided by the election laws of this state for a general election.

County canvass, when held.

(459) § 3740. SEC. 6. The county canvass for the several circuit judges and regents of the university, shall be on the second Tuesday succeeding the election, and shall be conducted in all respects in the same manner, and returns shall be made in the same manner and within the same time as is provided by existing laws for the canvass of representatives to congress; but the county clerks of the several counties shall transmit one of the certified copies of the statement of votes to the state treasurer, instead of the auditor general.

Statement, where returned.

Board of state canvassers.

(460) § 3741. SEC. 7. The secretary of state, state treasurer and commissioner of the state land office, shall constitute the board of state canvassers, and they are hereby authorized and required to proceed in the canvass and determination of the election of the several circuit judges and regents of the university, in the same manner and within similar periods of time, as near as may be, as is provided by law for the canvass of the election of representatives to congress, and shall transmit similar notices to the persons declared to be elected to the offices of circuit judge and regent of the university in the several judicial districts: Provided, That the board of state canvassers shall not determine the result of the election for a regent of the university in the county of Wayne, until after the receipt of the several statements of votes given for a regent of the university in the upper peninsula; provided such statement shall be received before the third Tuesday of November next ensuing, when said board shall proceed to canvass and determine the election of such regent, as in other cases.

Proviso as to county of Wayne.

Commencement of term.

(461) § 3742. SEC. 8. The officers elected under the provisions of this act, shall enter upon the discharge of their respective duties on the first day of January succeeding their election.

Section 9 was superseded by section 24 of Act 190 of 1891. See section 161 of this compilation.

REGENTS OF THE UNIVERSITY.

An Act to provide for the election and classification of regents of the university.

[Act 143 of 1863.]

The People of the State of Michigan enact:

(462) § 3743. SECTION 1. That a general election shall be held in the several townships and wards of this state on the first Monday in April, in the year one thousand eight hundred and sixty-three, and on the first Monday in April in every second year thereafter, for the election of regents of the university, who shall enter on the duties of their office on the first day of January next succeeding their election.

General election for regents.

See constitution, Art. XI, section 8; section 67 of this compilation.

(463) § 3744. SEC. 2. At the election to be held on the first Monday of April, in the year one thousand eight hundred and sixty-three, there shall be elected eight regents of the university, who shall be divided into four classes, of two each, to be numbered one, two, three and four, whose term of service shall commence on the first day of January, one thousand eight hundred and sixty-four. The term of service of class number one shall expire in two years; the term of class number two shall expire in four years; the term of class number three shall expire in six years; the term of class number four shall expire in eight years from the first day of January, one thousand eight hundred and sixty-four. After the first election, two regents shall be elected every two years, and their term of office shall be eight years. The place of each class shall be filled by an election at the general election to be held on the first Monday in April next preceding the expiration of their term of service.

Election in 1863.

How classified.

Term of service of each class.

Biennial election.

Sections 3 and 4 relate to the manner of giving notice of first election under this act.

(464) § 3747. SEC. 5. The several regents of the university, to be elected as aforesaid, shall be voted for on the same ballots with the justice or justices of the supreme court and circuit judge, to be chosen at such election; and the election provided for by this act shall be conducted in the same manner, and by the same officers, and the same notices of time and place shall be given as by existing laws for election of justices of the supreme court, and the inspectors of election shall make the same canvass, statement and return, and shall be invested with the same powers as are provided by the laws of this state for a general election.

Elections, how conducted.

(465) § 3748. SEC. 6. The county and state board of canvassers for said election shall consist of the same persons as provided by existing laws for canvassing votes for state

Canvass, how conducted.

officers, and the canvass shall be held and conducted in the same manner, and at the same time, and the like statements and returns shall be made, and the said board shall be charged with the same duties, and invested with the like powers as provided by existing laws for canvassing votes for justices of the supreme court and circuit judges, and the secretary of state shall perform the same duties in relation thereto, and all the proceedings shall be conducted in accordance with the laws regulating the canvass of votes cast at a general election, so far as the same are applicable.

Sec. 7 relates to the classification of regents first elected.

STATE BOARD OF EDUCATION.

An Act fixing the time when members of the state board of education shall be elected.

[Act 216 of 1909.]

The People of the State of Michigan enact:

Members
board of
education,
when elected.

(466) SECTION 1. At the biennial spring election to be held on the first Monday in April of nineteen hundred nine, and at each succeeding biennial spring election, there shall be elected one member of the board of education, who shall hold his office for six years from the first day of July following his election; at the biennial spring election to be held on the first Monday in April, nineteen hundred nine, a successor to the member of the state board of education whose term of office expired on December thirty-first, nineteen hundred eight, shall be elected; at the biennial spring election to be held on the first Monday in April, nineteen hundred eleven, a successor to the member of the state board of education whose term will expire December thirty-first, nineteen hundred ten, shall be elected; and at the biennial spring election to be held on the first Monday in April, nineteen hundred thirteen, a successor to the member of the state board of education whose term will expire on December thirty-first, nineteen hundred twelve, shall be elected. Each member shall hold his office for the term for which he was elected and until his successor is elected and qualified.

Term.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

An Act to provide for the election of a superintendent of public instruction.

[Act 12 of 1909.]

The People of the State of Michigan enact:

(467) SECTION 1. At the biennial spring election to be held on the first Monday in April, nineteen hundred nine, and every second year thereafter, there shall be elected a superintendent of public instruction, who shall hold office for a period of two years from the first day of July following his election and until his successor is elected and qualified. The person receiving the greatest number of votes at such election shall be by the state board of canvassers declared elected to such office.

When elected, term.

JUSTICES OF THE SUPREME COURT.

An Act to provide for the organization of the supreme court, pursuant to section two of article six of the constitution.

[Act 146 of 1857, as amended.]

The People of the State of Michigan enact:

(468) § 177. SECTION 1. From and after the first day of January, nineteen hundred five, the supreme court shall consist of a chief justice and seven associate justices, to be chosen by the electors of this state, and in the meantime the supreme court shall continue as at present organized.

How constituted.

Am. 1903, Act 250.

(469) § 178. SEC. 2. A general election shall be held in the several townships and wards of the state, on the first Monday of April, in the year one thousand eight hundred and fifty-seven, and on the first Monday of April in every second year thereafter, for the election of judges or justices of the supreme court.

General elections for judges.

See Chase v. Election Com'rs, 151 / 410.

(470) § 179. SEC. 3. At the election to be held in the several townships and cities of this state, on the first Tuesday after the first Monday of November, nineteen hundred four, there shall be elected three additional associate justices of the supreme court, who shall enter upon office on the first day of January, nineteen hundred five, one of whom shall hold his office until the thirty-first day of December, nineteen

Additional justices, when elected, term of office, etc.

hundred seven, one shall hold his office until the thirty-first day of December, nineteen hundred nine, and one shall [hold] his office until the thirty-first day of December, nineteen hundred eleven. The ballots cast at such election for such justices shall designate the term of service of each justice voted for. At the election to be held in the several townships and cities of this state, on the first Monday in April, nineteen hundred five, there shall be elected one justice of the supreme court, who shall hold his office for the term of eight years from and after the first day of January next succeeding such election. At the election to be held in the several townships and cities of this state, on the first Monday in April, nineteen hundred seven, and every two years thereafter, there shall be elected two justices of the supreme court to hold their offices respectively for the term of eight years from and after the first day of January next succeeding such elections. The several justices of the supreme court now in office shall hold their offices respectively during the term for which they have been elected, and the term of all other justices of the supreme court shall be eight years, as above provided.

Am. 1903, Act 250.

Vacancy, how filled.

(471) § 180. SEC. 4. Whenever a vacancy shall happen in the office of judge of the supreme court, it shall be filled by appointment of the governor, and a successor shall be elected at the next general election which may be held on the first Monday of April thereafter; unless a general election shall be held in November, prior to such election in April; and in such case he may be elected at such election in November.

Sections 5 and 6 provided for the notification of officers of the new enactment.

Ballot box.

(472) § 181. SEC. 7. The inspectors of election in the several townships and wards in cities throughout the state, are hereby required to prepare a ballot box at each of the biennial elections provided for in this act, to receive all ballots that may be offered at such elections for a judge or judges of the supreme court, and for circuit judge and regent of the university, all of which shall be voted for on the same ballot.

Elections, how conducted.

(473) § 182. SEC. 8. The election provided for by this act shall be conducted in the same manner and by the same officers, and notices of the time and place shall be given, as by the existing laws provision is made for holding a general election in the state in the month of November of each second year; and the inspectors of election shall make the same canvass, statement and returns, and they are hereby invested with the same powers and authority, as are provided by the election laws of this state for a general election.

(474) § 183. SEC. 9. The county canvass for judges of the supreme court shall be held on the second Tuesday succeeding the election, and shall be conducted in all respects in the same manner and by the same officers, and returns shall be made in the same manner and within the same time, as is provided by existing laws for the canvass of votes cast for circuit judges, secretary of state, and other state officers.

County canvass, when to be held and how conducted.

(475) § 184. SEC. 10. The secretary of state, state treasurer, and commissioner of the state land office, shall constitute the board of state canvassers, and they are hereby authorized and required to proceed in the canvass and determination of the election of the judges or judge of the supreme court in the same manner and at the same time as is provided by law for the canvass of the election of circuit judges and regents of the university, and they shall make a statement of the votes cast and the number cast for each person, and determine the person or persons elected, and make and subscribe on such statement a certificate of such determination, and deliver the same to the secretary of state, who shall cause the same to be recorded in his office; all of which proceedings shall be conducted in accordance with the laws regulating the canvass of votes cast at a general election for state officers, so far as the same are applicable.

Board of state canvassers.

How to proceed in canvassing.

The balance of this act relates to the classification of judges, and powers and duties of the court.

ELECTION OF U. S. SENATORS.

An Act to designate the time, and provide the manner of electing United States senators.

[Act 1 of 1869.]

The People of the State of Michigan enact:

(476) § 1144. SECTION 1. That the legislature which shall be chosen next preceding the expiration of the time for which any senator was elected to represent this state in the congress of the United States, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in congress, in the place of such senator so going out of office, in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for senator in congress; and the name of the person so voted for, who shall have a majority of the whole number of votes cast in each house, shall be entered on the journal of each house by the clerk or secretary thereof; but if either house shall fail to give such majority to any person on such day, that fact shall be entered on the journal. At twelve o'clock, meridian, of the day following that on which proceed-

Time of electing.

Each house to name a candidate.

Entries to be made on journals.

Joint convention.

Journals to
be read. ■

A majority of
vote in each
house to elect.

ings are required to take place as aforesaid, the members of the two houses shall convene in joint convention, and the journal of each house shall then be read; and if the same person shall have received a majority of all the votes in each house, such person shall be declared duly elected a senator to represent this state in the congress of the United States; but if the same person shall not have received a majority of the votes in each house, or if either house shall have failed to take proceedings as required by this act, the joint convention shall then proceed to choose, by a viva voce vote of each member present, a person for the purpose aforesaid; and the person having a majority of all the votes of the said joint convention, a majority of all the members elected to both houses being present, and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the joint convention shall meet at twelve o'clock, meridian, of each succeeding day during the session of the legislature, and take at least one vote, until a senator shall be elected.

Vacancies,
how filled.

(477) § 1145. SEC. 2. Whenever, on the meeting of the legislature, a vacancy shall exist in the representation of this state in the senate of the United States, the legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a senator for a full term; and if a vacancy shall happen during the session of the legislature, then, on the second Tuesday after the legislature shall have been organized, and shall have notice of such vacancy, the legislature shall proceed to elect as aforesaid.

Governor to
certify elec-
tion.

(478) § 1146. SEC. 3. It shall be the duty of the governor, upon the election of a senator, as herein provided, to certify his election to the president of the senate of the United States, which certificate shall be countersigned by the secretary of state, under the seal of the state. He shall also deliver by mail or otherwise a like certificate to the person so elected senator.

Section 4 repeals "all acts or parts of acts contravening the provisions of this act."

STATE HIGHWAY COMMISSIONER.

[Extract from Act 283 of 1909, Chap. V.]

State highway
commissioner,
appointment,
etc.

(479) SEC. 2. The chief officer of said department shall be denominated the state highway commissioner. He shall be a citizen of this state and shall have his office at the seat of government and shall personally superintend the duties thereof. He shall be appointed by the governor, by and with consent of the senate, on or before the first day of July, nine-

teen hundred nine, and shall hold his office on and after said first day of July, nineteen hundred nine, until the first day of July, nineteen hundred thirteen, and until his successor is duly elected and qualified as hereinafter provided. In the year nineteen hundred thirteen, and every four years thereafter, a state highway commissioner shall be nominated and elected by the people of the state of Michigan at the same time and in the same manner as the justices of the supreme court are nominated and elected. He shall take his oath of office July first, following his election, and his term of office shall be four years from that date and until his successor is duly elected and qualified. He shall receive an annual salary of two thousand five hundred dollars. The state highway commissioner may appoint a deputy who shall be a competent civil engineer. Such deputy shall take and subscribe the oath of office prescribed by the constitution, and whenever the commissioner shall be disabled from executing the duties of his office, his deputy, duly appointed, shall execute the duties thereof until such disability be removed. Such deputy shall receive an annual salary of eighteen hundred dollars. The commissioner may employ such other clerks or employes as may be necessary to perform the duties incumbent upon the department. The salaries of the commissioner, deputy commissioner and others employed by authority of this act shall be paid upon the warrant of the auditor general in the same manner as other state officers and employes are paid; and all other expenses shall be approved by the board of state auditors and paid upon the warrant of the auditor general. Whenever a vacancy shall occur in said office of commissioner by reason of death, resignation or otherwise, the governor shall fill such vacancy by appointment, but such appointee shall hold office only until the next general state election when a new commissioner shall be elected for the unexpired term. The commissioner so appointed shall, within fifteen days from the time of notice of his appointment, take and subscribe the oath of office prescribed by the constitution, and shall file the same in the office of the secretary of state, and the said commissioner shall give to the people of the state of Michigan a bond in the penal sum of five thousand dollars, with sureties to be approved by the auditor general, conditioned for the faithful discharge of the duties of his office. The commissioner shall make a biennial report to the governor, which report shall contain the name and compensation of each and every person that may be or has been employed by the department, and the whole amount of the expenses of the department in the interim not previously reported. Such report shall be made on or before the first day of February, nineteen hundred nine, and every two years thereafter, and the commissioner shall have printed a sufficient number of these reports to provide every township highway commissioner and county road commissioner in the state with a copy, and such further

Election of,
salary, etc.

Deputy,
salary, etc.

Clerks.

Payment of
salaries, etc.

Vacancy.

Oath and
bond.

Biennial
report.

number as may be necessary to satisfy the demand that the public weal may warrant.

CHAPTER XII.—ELECTIONS IN FOURTH CLASS CITIES AND VILLAGES.

FOURTH CLASS CITIES.

[Extract from Act 215 of 1895.]

CHAPTER III.

WARDS.

Wards.

(480) § 2976. SECTION 1. The wards established by the council as provided in section ten, chapter one of this act, and the wards established in any incorporated city at the time of its reincorporation under the provisions of this act, shall continue to be the wards of such city, until changed by the legislature.

For the provisions of the so-called "Home Rule" act for cities, see act 279 of 1909, as amended by acts 81 and 203 of 1911.

For proceedings for incorporation of fourth class cities previous to the enactment of the "Home Rule" act, see sections 2956-69, C. L., 1897.

Number of
wards, how
apportioned.

(481) § 2977. SEC. 2. Any city having a population of less than five thousand inhabitants may be divided into three wards. If it contains a population of five thousand or upwards it may be divided into four wards, and an additional ward for every additional two thousand inhabitants above five thousand and up to ten thousand. But any city having, at the time of its being brought under or subject to the provisions of this act, a greater number of wards in proportion to its population than above mentioned, shall not be required to diminish the number of its existing wards.

Change of
boundaries
not to affect
aldermen or
ward officers.

(482) § 2978. SEC. 3. No election of aldermen or ward officers shall be held in any newly established ward, or in any ward, on account of changes in the boundaries thereof, previous to the next annual city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward; but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward, unless the office become vacant for some other cause.

Terms of
aldermen in
new wards.

(483) § 2979. SEC. 4. When by the creation of a new ward two aldermen are to be elected therein at the same time,

one of them shall be elected for one year, and one for two years, and the term of each shall be designated on the ballot.

CHAPTER IV.

ELECTORS AND REGISTRATION.

(484) § 2980. SECTION 1. The inhabitants of cities hav- Who deemed electors.
ing the qualifications of electors under the constitution of the state, and no others, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a Residence of electors.
householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

See sections 1 and 87, and notes.

Warren v. Bd. of Registration, 72 / 405; Menton v. Cook, 147 / 540.

(485) § 2981. SEC. 2. The council of any city having Council may divide wards into voting precincts.
more than six hundred and fifty electors in any ward of the city, according to the poll list of the last preceding election, shall cause such ward to be divided into two or more voting districts. The manner of making such division, the creation of election inspectors and boards of registration therein, and all matters pertaining to such division and the holding of elections in such districts, not covered by the provisions of this chapter, shall be provided for by the council making such division.

REGISTRATION.

(486) § 2982. SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If, by reason of a change of bound- Aldermen to constitute board of registration.
ary of any ward, or the formation of a new ward, or the formation of more than one election district in a ward, or other cause, there shall not be any or a sufficient number of Additional member.
aldermen representing such ward or residing within each election district, to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward or election district. The Compensation.
members composing such board of registration shall receive two dollars per day as compensation.

See general law for registration in cities, sections 85-91.

(487) § 2983. SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into voting districts, the boards of registration Board of registration to meet and arrange names of electors.
of the respective wards or voting districts affected by the

change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to a new ward, or from one voting district to another, shall be copied into the register of the ward or district to which the transfer was made, and be stricken from the register of the ward or district from which the elector was transferred by the change.

Board to make new register.

(488) § 2984. SEC. 5. When a new ward or voting district shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days, and notice of the formation of such ward or district, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

Notice of, to be given.

Each ward to be an election district.

(489) § 2985. SEC. 6. Each ward, unless otherwise subdivided, shall be an election district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each person then actually residing in the ward or voting district, and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register of such ward or voting district.

When board of registration to sit.

Each qualified elector to have his name registered.

When council to fix place where board to meet.

(490) § 2986. SEC. 7. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting district of the city where the board of registration will meet, and at least eight days before such session of the board the city clerk shall give notice by handbills posted in ten public places in each ward or voting district, and by publication in one or more newspapers printed in the city, of the time and place in each ward or voting district when and where the board of registration for such ward and voting district will meet. Except as in this act otherwise provided, the general laws of this state relating to the registration of electors in cities shall apply to the registration of electors in cities incorporated under or made subject to the provisions of this act.

How notice of, to be given.

General laws to apply to registration.

When board to make re-registration.

(491) § 2987. SEC. 8. The boards of registration in cities incorporated under this act at their sessions previous

to the general election in November, in the year one thousand eight hundred and ninety-six, shall make a reregistration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such reregistration as are provided by law for the registration of electors in cities; and a like reregistration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year nineteen hundred, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such reregistration unless his name shall be registered in such new register. Notice that such reregistration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Old register not to be used.

When notice of reregistration to be given.

CHAPTER V.

OFFICERS.

(492) § 2988. SECTION 1. In cities incorporated under this act the following city officers, [viz.] namely, a mayor, city clerk, city treasurer, and two justices of the peace, shall be elected by the qualified voters of the whole city: Provided, That no person shall be eligible to the office of city treasurer for more than two terms in succession.

What city officers to be elected.

Treasurer to hold but two terms.

(493) § 2989. SEC. 2. In each ward a supervisor, two aldermen and a constable shall be elected: Provided, That the council of any city reincorporated under and made subject to the provisions of this act, which at the time of such reincorporation shall have but two wards, may provide by ordinance for the election of two additional aldermen, to be known as aldermen at large, and to be elected by the qualified electors of the whole city. At the first election held under this act one of such aldermen shall be elected for a term of one year and one for a term of two years, and annually thereafter one shall be elected for a term of two years.

Ward officers to be elected.

Att'y Gen. v. Cogshall, 107 / 181; Ostrander v. Supervisors, 111 / 65.

(494) § 2990. SEC. 3. The following officers shall be appointed by the mayor, by and with the consent of the council, [viz.] namely, a city attorney, city marshal, street commissioner, city surveyor, a city assessor when provided for, and a chief engineer of the fire department. The council may also, from time to time, provide by ordinance for the appointment of, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem

City officers to be appointed by mayor.

Council may provide for appointments of other officers.

Appointments to be made with consent of council.

necessary for the execution of the powers granted by this act. All such appointments shall be made by the mayor, by and with the consent of the council, and their powers and duties shall be prescribed by ordinance, but the mayor shall have no vote in the council on the question of his appointments of above named officers.

When appointments to be made.

(495) § 2991. SEC. 4. Appointments to office, except appointments to fill vacancies, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made by the mayor and confirmed at any subsequent regular meeting of the council.

What officers to be elected at first election.

(496) § 2992. SEC. 5. At the first election held in any city incorporated under this act, two justices of the peace shall be elected; also two aldermen in each ward, but in cities reincorporated under this act, the aldermen elected under the former corporation shall continue in office for the term for which they were elected; and, at such first election, such number of aldermen only shall be elected, as with those continuing in office as aforesaid, shall make the requisite number of aldermen as required by this act, and the terms of the aldermen first elected as aforesaid shall be so arranged that one alderman for each ward shall be elected annually thereafter. In all such cities reincorporated under the provisions of this act, the then existing justices of the peace shall hold their offices until the fourth day of July next after such first election, and no longer, and at such first election two justices of the peace shall be elected, one for the term of two years and one for the term of four years from the fourth day of July next thereafter, and the term for which each is elected shall be designated upon the ballots cast for him, and biennially thereafter one justice of the peace shall be elected for a term of four years: Provided, That whenever any city reincorporated under this act shall at the time of such reincorporation have but two justices of the peace, whether elected by wards, districts, or by the city at large, such justices shall hold their respective offices until the expiration of the term for which they were respectively elected, and thereafter their successors shall be elected for the term of four years as provided in this act.

Terms of aldermen, how arranged.

When to elect justices of peace.

Terms of office of.

Terms of office of certain city officers.

(497) § 2993. SEC. 6. The mayor, city clerk, city treasurer, supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Term of office of appointed officers.

(498) § 2994. SEC. 7. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in

this act, or in the ordinance creating the office. Any officer elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred, and any officer appointed to fill a vacancy in any elective office shall hold such office until the next annual city election.

Term of officer filling vacancy.

(499) § 2995. SEC. 8. Justices of the peace not elected to fill vacancies shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices on the second Monday of April of each year, unless herein otherwise provided for.

When officers to enter upon duties.

QUALIFICATIONS, OATH AND BOND OF OFFICE.

(500) § 2996. SEC. 9. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county, or other municipal corporation of the state. All votes for, or any appointment of, any such defaulter shall be void.

Qualifications for holding office.

(501) § 2997. SEC. 10. Justices of the peace elected in any city shall take and file an oath of office with the county clerk of the county in which the city is located within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the state and file the same with the city clerk.

When and how justices of peace to file oath of office.

When other officers to take oath.

See section 73.

(502) § 2998. SEC. 11. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security and such other bond or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or

When and how justice of peace to file security.

Penalty for not filing.

When and how other officers to file security.

Bond of clerk to be deposited with treasurer.

requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Sufficiency of sureties.

(503) § 2999. SEC. 12. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

Examination of surety.

When council may require new bonds.

(504) § 3000. SEC. 13. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

Penalty for failure to comply.

VACANCIES IN OFFICE.

Resignations to be made to council.

(505) § 3001. SEC. 14. Resignation of officers shall be made to the council.

When office to be declared vacant.

(506) § 3002. SEC. 15. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Office may be vacated when oath or bond not filed.

(507) § 3003. SEC. 16. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

When and how council may fill vacancy.

(508) § 3004. SEC. 17. In case any vacancy occurs in the office of mayor, or in any other elective office, except justice of the peace, constable and school trustee, as hereinafter provided, the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs, or may, within such time, call a special election for the purpose of filling such vacancy, as they may deem for the best interest of the city. Vacancies in the office of justice of the peace and constable shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any appointive office shall be filled within twenty days after such

Filling of vacancies.

vacancy occurs, by the mayor by and with the consent of the council.

People v. Highland Park, 88 / 658.

(509) § 3005. SEC. 18. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them. Resignation or removal not to exonerate from liability.

(510) § 3006. SEC. 19. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person willfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers may be proceeded against for the like offense, under the general laws of this state now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the state. When officer to turn over city property to successor. Penalty for violation.

CHAPTER VI.

ELECTIONS.

(511) § 3007. SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place or places in each of the several wards of the city, as the council shall designate. When annual city election to be held.

(512) § 3008. SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election. When and how special may be called.

(513) § 3009. SEC. 3. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections. Notice to inspectors of election. What to contain.

(514) § 3010. SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon, shall, except as herein When and how notice to be given by city clerk.

otherwise provided, be given by the city clerk, at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in one or more newspapers published in the city, the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes,
how provided
and kept.

(515) § 3011. SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

When polls
to be open.

(516) § 3012. SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at seven o'clock in the morning or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes and fifteen minutes respectively, before the closing thereof.

When inspectors
to make
proclamation.

Who to constitute board
of election
inspectors.

(517) § 3013. SEC. 7. The supervisor and two aldermen of each ward when eligible and one elector of the ward to be appointed by the council shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards or by a change in the boundaries of existing wards or the creation of more than one election district therein, or for any reason there shall not be a sufficient number of the officers last named in any ward or district to make a board of four inspectors for each election district, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward or election district shall constitute a board of four inspectors for the ward or district, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, viva voce, such number of electors, as with the inspector or inspectors present shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election, during the continuance thereof. Each inspector of the election shall receive two dollars per day as compensation.

How to be
chosen when
vacancy
exists.

Compensation.

Who to be
chairman and
clerk of
board.

(518) § 3014. SEC. 8. The inspectors of election in each ward or voting district shall choose one of their number chairman of the board, and shall designate one of their number to act as clerk of the election, and another of their number to act as second clerk, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

(519) § 3015. SEC. 9. The inspectors of election, as specified in the last two sections, shall also be inspectors of state, county, and district elections in their respective wards or voting districts.

Inspectors of state, county and district election.

(520) § 3016. SEC. 10. All elections held under the provisions of this act, shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the state, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this state.

Elections, manner of conducting.

(521) § 3017. SEC. 11. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties.

Election commissioners, appointment of, duties.

(522) § 3018. SEC. 12. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the state, and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot and the casting and canvassing of the same, and all other matters touching elections shall be governed by the general election laws of the state, when not inconsistent with the provisions of this act.

Electors to vote by ballot.

See notes to general law, sections 122 et sequē.

(523) § 3019. SEC. 13. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk.

Council to meet and determine result of election.

Certificate of election.

(524) § 3020. SEC. 14. The person receiving the greatest number of votes for any office in the city or wards, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding

Who to be deemed elected.

In case of tie vote.

section, determine by lot between such persons which shall be considered elected to such office.

Clerk to
notify
person elected
or appointed.

(525) § 3021. SEC. 15. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section thirteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of such appointment.

Failure to file
bond, clerk to
give notice.

(526) § 3022. SEC. 16. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report, in writing, to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

ELECTIONS IN VILLAGES.

[Extract from Act 3 of 1895.]

CHAPTER II.

OFFICERS.

Village
officers.

(527) § 2699. SECTION 1. In each village the following officers shall be elected, viz., a president, six trustees, one clerk, one treasurer, who shall be ex officio collector, and one assessor. The president and trustees shall constitute the village council.

For the provisions of the so-called "Home Rule" act for villages, see act 278 of 1909, as amended by act 71 of 1911.

For proceedings relative to incorporation of villages previous to the enactment of the "Home Rule" act, see sections 2684-98, C. L., 1897.

Term of
office.

(528) § 2702. SEC. 4. The president, clerk, treasurer and assessor shall hold their respective offices for the term of one year from the second Monday of March of the year when elected, and until their successors are elected and qualified and enter upon the duties of their offices: Provided, That no person shall be eligible to the office of treasurer for more than two successive terms.

Proviso.

Village of Laurium v. Mills, 129 / 537.

Terms of
trustees of
village.

(529) § 2703. SEC. 5. The trustees shall hold their offices for the term of two years from the second Monday in March of the year when elected, and until their successors are qualified and enter upon the duties of their offices; except that at the first election held in any village incorporated

subject to the provisions of this act, six trustees shall be elected, three for the term of one year and three for the term of two years from the second Monday of March in the year when elected, and annually thereafter three trustees shall be elected for the term of two years.

(530) § 2704. SEC. 6. All appointive officers, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the second Monday of April next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this act, or in the ordinance or resolution creating the office. Officers appointed to fill vacancies shall hold their office until the next annual election, and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filing the requisite security, if any is required of them.

Term of
appointive
officers.

(531) § 2705. SEC. 7. No person shall be elected or appointed to any office unless he shall be an elector of the village. And no person shall be elected or appointed to any office in the village who has been or is a defaulter to the village or to any board of officers thereof, or to any school district, county or other municipal corporation of the state. All votes for or any appointment of any such defaulter shall be void. All officers of the village, elected or appointed, shall take and subscribe the oath of office prescribed by the constitution of the state, and file the same with the clerk, and in case of failure to do so, within ten days after receiving notice of their election or appointment, shall be deemed to have declined the office.

Qualification
for office.

CHAPTER III.

ELECTIONS.

(532) § 2714. SECTION 1. After the first election an annual election of officers shall be held on the second Monday in March in each year, at such place in the village as the council shall designate.

Annual
election.

(533) § 2715. SEC. 2. Special elections may be appointed by resolution of the council, and held at such times as they shall determine, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Special
election.

(534) § 2716. SEC. 3. The presideent and clerk, and two of the trustees, or any four of the trustees, to be appointed by the council, shall be the inspectors of election. The president, when present, shall be chairman of the board of election inspectors, and the clerk, if present, shall act as clerk of the election, and the inspectors shall appoint one of their number to act as second clerk. In case four of the inspectors do

Who to be
inspectors
of election.

Compensation
of inspectors.

not attend at the opening of the polls, or shall not remain in attendance, such vacancy shall be filled as provided by the general election laws of the state, and in case either the president or clerk, or both of them, are absent, the inspectors shall designate from their number a chairman and a clerk. Each inspector of election shall receive as compensation two dollars per day.

People v. Avery, 102 / 573.

Notice of time
of holding
election to
be published.

(535) § 2717. SEC. 4. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the clerk, at least eight days before such election, by posting such notices in three public places in the village, and by publishing a copy thereof in a newspaper in the village, if any is published therein, the same length of time before the election; and in case of a special election, the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Highland Park v. McAlpine, 117 / 668.

Council to ap-
point board of
election com-
missioners.

(536) § 2718. SEC. 5. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such village for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties. The council shall also provide and cause to be kept by the clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Opening
and closing
of polls.

(537) § 2719. SEC. 6. On the day of elections, the polls shall be opened at seven o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes, and fifteen minutes, respectively, before the closing thereof.

Manner of
conducting
elections.

(538) § 2720. SEC. 7. All elections in said village shall be conducted as nearly as may be in the manner provided by law for holding general elections in the state, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this state. If at any election vacancies are to be filled, or if any person is to be elected for

less than a full term of office, the term shall be designated on the ballot.

See notes to sections of the general election law, sections 122 et seque.

(539) § 2721. SEC. 8. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the results, and shall on the same day or the next day make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots in the office of the village clerk. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at general elections held in this state, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at general elections.

Canvass of votes to be public.

Certificate of election.

(540) § 2722. SEC. 9. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the clerk shall make duplicate certificates of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk of the county in which the village is located, and the other shall be filed in the office of the village clerk.

Council to determine result of election.

(541) § 2723. SEC. 10. If there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

In case of tie, council to determine by lot.

(542) § 2724. SEC. 11. It shall be the duty of the clerk, within five days after the meeting and determination of the council, as provided in this chapter, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of the appointment.

Village clerk to notify persons elected.

(543) § 2725. SEC. 12. Within one week after the expiration of the time in which any official bond or oath of

Clerk to report failure of officers to file oath or bond.

office is required to be filed, the clerk shall report in writing to the council the names of all persons elected or appointed to any office, who shall have neglected to file such oath or bond.

Division of village into voting precincts.

(544) § 2726. SEC. 13. The council of any village having more than six hundred and fifty electors according to the poll list of the last preceding election, may cause such village to be divided into two or more voting precincts, and the manner of making such division, the registration, and holding of elections and of canvassing the votes, and all other matters pertaining to the division of villages into voting precincts, and of the holding of elections therein, shall be governed by the general laws of the state relating thereto.

CHAPTER XIII.—MISCELLANEOUS.

VOTING MACHINES.

An Act to provide for the casting, registering, recording and counting of ballots or votes at any regular or special election held in the state of Michigan, by means of voting machines; to provide for the purchase of same and to repeal all acts or parts of acts inconsistent herewith.

[Act 287 of 1907.]

The People of the State of Michigan enact:

Voting machines, use of, at elections.

(545) SECTION 1. At all state, county, city, village and township elections hereafter held in the state of Michigan, ballots or votes may be cast, registered, recorded and counted by means of voting machines, as hereinafter provided.

The acts relative to the use of the "Rhines Vote Recorder," "Myers Ballot Machine" and the "Abbott Voting Machine," are omitted from this compilation, see sections 3759-3823, C. L., 1897.

This act refers to elections at which persons are given public offices by a plurality of the votes of all the electors voting thereat, and does not authorize the use of voting machines at primary elections.—*Line v. Election Com'rs*, 154/329. A vote by voting machine is a proper vote by ballot.—*Detroit v. Election Inspectors*, 139/548; *Henderson v. Saginaw Election Com'rs*, 160/36. But for a later enactment authorizing the use of voting machines at primary elections, see sections 569-574.

Board may purchase, etc., voting machines.

(546) SEC. 2. Hereafter the board of supervisors of any county, the common council of any incorporated city or village, or the township board of any township in the state of Michigan, may, by a majority vote, authorize, purchase and order the use of any thoroughly tested or reliable voting machine in any one or more voting precincts within said county, city, village or township until otherwise ordered by the officers adopting the same.

Am. 1909, Act 214.

(547) SEC. 3. A voting machine to be purchased as provided in section two of this act must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, and must permit all voters to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in secrecy. It shall also be so constructed that votes may be cast thereon for constitutional amendments or any other public measure; it must also be so constructed as to provide for at least thirty candidates for each party organization at any and all elections and said machine must be constructed of good and durable material in a workmanlike manner, and also so constructed that it can be easily and conveniently operated by inspectors of election and the voters; it must also be so constructed as to prevent voting for more than one person for the same office, except where the voter is entitled to vote for more than one person for that office, and it must afford him an opportunity to vote for any and all persons for that office as he is by law entitled to vote for and no more, at the same time preventing his voting for the same person twice. It may also be provided with one ballot in each column containing the words "Presidential Electors," preceded by the party name, and a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors.

Voting machines, construction of.

Ballots for presidential electors.

Am. Extra Session, 1907, Act 7.

(548) SEC. 4. The board of supervisors of any county, the common council of any city or village, or the township board of any township adopting a voting machine, shall as soon as practicable thereafter, provide for each election district, a voting machine in complete working order and shall thereafter keep the same in repair and shall have the custody thereof, and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within the county, city, village or township as the officers adopting same may determine. More than one voting machine may be provided and used in any election precinct.

Board to provide machines, keep in repair, etc.

Am. 1909, Act 214.

(549) SEC. 5. The board of supervisors of any county, the common council of any city or village, or the township board of any township on the adoption and purchase of voting machines may provide for the payment thereof in such manner as they deem for the best interest of the county, city, village or township, and may for that purpose issue bond certificates of indebtedness or other obligations which shall

May issue bonds, etc.

be a charge on the county, city, village or township, as the case may be. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par. It is further provided that in case any city, village or township of a county in which the use of voting machines shall have been determined upon by the board of supervisors, shall have previously purchased voting machines, such city, township or village shall have returned to it from the general fund of said county, such pro rata amount of the whole cost for the county as the number of voting precincts so previously provided by any such city, township or village, bears to the whole number in the county, but not exceeding the amount previously paid by any such city, township or village.

Am. Id.

Ballot labels.

(550) SEC. 6. All ballot labels shall be printed in black ink, on clear white material of such size as will fit the ballot frame and in plain type as the space will reasonably permit. The party vignette and the name for each political party represented on the machines shall be prefixed to the name of the candidates for such party. The names of candidates for office to be voted for at such election shall be placed upon such machines in the same order that the names of candidates for office are now required to be placed upon printed ballots by the general election law. Where candidates for local offices in any city, village or township are to be voted for at the same election with state or county candidates, the names of the candidates for such offices shall be placed last upon such voting machines, following the name of candidates for state, county and other offices to be voted for at such election. The order in which the names of such candidates for local offices shall be placed upon such machines shall be prescribed by the board of election commissioners of the city, village or township, as the case may be.

Arrangement of names.

Amendments.

Where amendments to the constitution or other questions are to be voted on, such amendments or questions shall be placed on the voting machine, upon the portion of the keyboard provided therefor. Two or more independent nominations may be placed upon the same party row and such candidates shall be voted for individually. The party lever or device, if any, in connection with such party row, shall be locked whenever such party row does not contain the names of candidates of a party organization or the names of an independent body which may have nominated candidates for more than one office. The vignettes adopted for such independent candidates, if any, shall be printed upon the ballot labels in connection with the names of such candidates. Where voting machines are purchased or are used the election commissioners of the county, city or village or township shall not be required to print and furnish paper ballots for election dis-

Vignettes.

districts using voting machines, except for any question or matter that cannot be provided for by the voting machines. The board of election commissioners of the county, shall cause to be printed ballot labels or slips containing the names of candidates for all offices to be voted for or questions to be voted upon, except when the city, village or township officials only are to be elected, at which time the city, village or township clerk shall provide such ballot labels for use upon such voting machines, and shall forward the same to the board of election commissioners of each city, village or township within the county where such voting machines are used at least five secular days before the day of election: Provided, That whenever local officers are to be elected at any such general election, it shall be the duty of the city, township or village clerk, respectively, to file with the board of election commissioners of the county, the titles of offices, the names of all the candidates to be voted for, and all questions or propositions to be voted upon within such city, township or village, at that election.

Ballot slips.

Proviso.

Am. Id.

(551) SEC. 7. Two additional sets of ballot labels shall be provided for each polling place for each election for use on the voting machine and the same shall be delivered by the board of election commissioners to the election board of each voting precinct. Envelopes for the delivery and return of the keys of the voting machine shall be furnished by the county clerk upon which shall be printed or written the number of the machine, the ward or precinct and the record of the protective counter, if any, and the numbers of the seals before and after the election; each of which shall be correctly filled out and be delivered to the proper board or official. In all general or city elections where voting machines are used there shall be furnished by the board of election commissioners of the county, to the election board in each such precinct in the county, a sufficient number of instruction ballots of the reduced size, showing the key board of the voting machine as it will appear after the official ballots are arranged for voting on election day with the titles of offices, names of candidates, questions, etc., and with illustrations and brief instructions how to vote.

Ballot labels, additional sets to be provided.

Instruction ballots.

Am. Id.

(552) SEC. 7a. One of such models containing fictitious names of candidates must be delivered to each board of elections for use on election day and one of said board, or someone appointed by them, shall offer to exhibit and explain the operation of the voting machine by use of the model, to each voter before such voter shall be allowed to pass within the guard rail to vote. Printed instructions how to vote, circulated to voters, must conform to the instructions approved

Machine instructions.

by the official providing ballots, and adapted to the machine used.

Added Id.

County clerk,
duty of,
relative to
machines, etc.

To employ
custodians.

When super-
intendent,
etc., to act as
custodian.

Duties.

Election
commission-
ers, duties,
etc.

Certificates,
what to state.

When ma-
chines to
be sealed.

(553) SEC. 7b. The clerk of each county in which voting machines are to be used, in whole or in part, shall cause the proper ballot labels to be placed on the machines and the machines in every way put in order, set and arranged, ready for use in voting at such election; and for the purpose of so labeling, putting in order, setting and arranging the machine, shall employ one or more competent persons who shall be known as voting machine custodian or custodians, who shall be sworn to perform their duties honestly and faithfully, and for such purpose shall be considered as officers of election and shall be paid for the time spent in the discharge of their duties, in the same manner as other election officers are paid. In counties where elections are in charge of a superintendent of elections, the superintendent and his deputies shall act as such custodians. In cities where there are more than twenty voting machines, more than one custodian shall be appointed, who shall be selected from the two political parties entitled to representation on a board of election officers. Said custodian or custodians shall, under the direction of the said county clerk, cause the machines to be properly labeled, put in order, set and arranged. In preparing a voting machine for an election, the custodian shall, according to the printed directions furnished, arrange the machine and the ballots therefor so that it will in every particular meet the requirements for voting and counting at such election, and thoroughly test the same. Before preparing the voting machines for any election, written notice shall be mailed to the election commissioners of the city or township in which the machine or machines are to be used, stating the time and place where the machines will be prepared, at which time such election commissioners shall be afforded an opportunity to see that the machines are in proper conditions for use in the election. Such election commissioners shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodian or assume any of his duties. When a machine has been prepared for the election, it shall be the duty of such election commissioners to make a certificate in writing, which shall be filed in the office of the county clerk, stating the number of the machine, the location of the polling place, whether or not all the candidates and question counters and the public counter are set at zero, the number registered on the protective counter, if one is provided, and the number of the metal seal with which the machine is sealed. Immediately after the election commissioners of each city or township, respectively, have inspected and certified to the correct preparation of each of the voting machines to be used within the city or township, within which they are authorized to act,

the custodian shall seal each of said machines with a numbered metal seal and shall make out a similar statement certifying to the correct adjustment of each of such machines and such certificate shall be signed by the custodian and filed in the office of the recorder or clerk of the city or township in which such machine or machines are to be used. Each voting machine shall be furnished with a lantern or other device for lighting, which shall give sufficient light to enable voters while in the booth or other enclosure to read the ballot labels, and suitable for use by the election officers in examining the counters of the machine. It shall be the duty of the election commissioners under the direction of the custodian, to cause the voting machines to be delivered at the respective polling places in which they are to be used at least one hour before the time set for opening the polls: Provided, That police protection shall be furnished by the local authorities whenever the officers charged with the duty of preparing such machines shall deem such protection necessary to prevent possible injury of any one or more voting machines, but such machines shall at all times be under the supervision of such officer, except during the hours prescribed by law for voting on election day.

When
delivered.

Proviso,
police protection.

Added Id.

(554) SEC. 7c. At least ten days prior to each election, the custodian or custodians of the voting machines shall instruct each board of election inspectors that is to serve in an election district, in the use of the machine, and in the duty of inspectors of election, in accordance with the law and the printed instructions suitable to the machine used, copies of which printed instructions shall be mailed to each election officer prior to the time set for such instruction meetings. The custodian shall give to each inspector of election, that has received such instruction and is fully qualified to properly conduct the election with the voting machine, a certificate to that effect. For the purpose of giving such instruction, the custodian shall call such meeting or meetings of the inspectors of election as shall be necessary. Such custodian shall without delay thereafter file a report with the board or official in charge of elections stating that he has instructed the election officers, giving the names and postoffice addresses of such election officers and the time and place where such instruction was given. The inspectors of election of each election district in which a voting machine is to be used, shall attend such meeting or meetings as shall be called for the purpose of receiving such instructions concerning their duties as shall be necessary for the proper conduct of the election with the voting machine. Each inspector of election that shall qualify for and serve in the election shall be paid one dollar for the time spent in receiving such instruction in the same manner and at the same time as he is paid for his ser-

Instructions
as to machines, etc.,
by whom given.

Meetings,
who to call.

Report,
what to state.

Inspector,
payment of.

Who may
serve.

vices on election day. No inspector of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines: Provided, That this shall not prevent the appointment of an inspector of election to fill a vacancy in an emergency.

Proviso,
vacancy.

Added Id.

Ballot clerks,
etc., may be
dispensed
with.

(555) SEC. 8. Ballot clerks and gate-keepers may be dispensed with in voting precincts in any city, village or township where voting machines are used.

Duty of
inspectors
before open-
ing of polls.

(556) SEC. 9. The inspectors of election and poll clerks of each district shall meet at the polling place therein, at least a half hour before the time set for the opening of the polls at such election, and shall proceed to arrange within the guard rail the furniture, and voting machine for the conduct of the election. The inspectors of election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election, and the registry of the electors required to be made and kept therefor. The inspectors shall thereupon cause at least two instruction cards and if printed in different languages at least two of each language, to be posted conspicuously within the polling place. If not previously done, they shall insert in their proper place on the voting machine the ballot labels containing the names of the offices to be filled at such election, the names of the candidates nominated therefor and the question, if any, to be voted upon. The keys of the voting machines shall be delivered to the election officers at least one-half hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine, the number on the seal and, if provided with a protective counter, the number registered on such counter as reported by the custodian. The envelope containing the keys shall not be opened until at least two of the inspectors shall be present at the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelopes, all election officers present shall examine the number of the seal on the machine, also the number registered on the protective counter, if one is provided, and shall see if they are the same as the numbers written on the envelope containing the keys. If found not to agree, the envelope must not be opened until the county clerk, if it be a general election, or the city or township clerk, if it be an election at which local officers only are elected, or the custodian duly appointed and authorized to act for such clerk, shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers on the seal and protective counter,

Instruction
cards, where
posted.

Keys to be
delivered
in sealed
envelope.

When to be
opened.

When clerk,
etc., to re-
examine
machine.

if one is provided, are found to agree with the numbers on the envelope, the inspectors shall proceed to open the doors concealing the counters. Before the polls are opened for the election, each inspector shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official challengers who may be present. If any counter for a candidate or question is found not to register zero, the inspectors of election shall immediately notify the county, city or township clerk, under whose direction such machine has been prepared for election and said clerk or the custodian appointed by him shall adjust the counter at zero, re-examine the machine and certify to its proper adjustment for use in the election. During the examination of the voting machine by the inspectors of election the operating lever of the machine shall remain locked against voting until the polls are formally opened and shall not be operated except by the electors in voting.

When counters to be examined.

Am. 1909, Act 214.

(557) SEC. 10. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to as "Irregular Ballots." To provide any and every voter who desires to vote for any person whose name is not on the machine or for any combination of names that could not be voted with the machine, with means by which he can so vote, the inspectors of election shall, if the type of machine so require, prior to the opening of the poll, placed inside the curtain or other enclosure enclosing the face of the machine a reasonable number of ballots suitable to the machine used, together with pencil and appliances necessary for the voting thereof. The inspectors of election shall also cause to be placed in a conspicuous place inside the polling place at least two cards not less than twelve inches square on which shall be plainly printed full and explicit instructions for the use of such ballots. A voter desiring to vote as aforesaid may fill out one of said ballots with the names of the persons he desires to vote for, but which could not be voted with the machine, designate for which of the candidates he desires the remainder of his ticket to be voted, place the same in or upon the appliance provided therefor, and deposit such ballot in a receptacle on the machine provided for the irregular ballots or in a ballot box and the ballot so cast shall be counted at the close of the election: Provided, It contains a name or names or a combination of names that could not have been voted with the machine. Any person removing from said enclosure any of said ballots or appliances provided for the voting of the same, except for the purpose of using the same in a manner herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail of the county

"Irregular ballots."

Instructions as to ballots.

Proviso.

Misdemeanor, what constitutes; penalty.

Emergency
ballots.

Who to
provide.

When emer-
gency declar-
ed to exist.

Ballots, to
whom de-
livered.

How
numbered.
When void.

Discrepancies.

in which the offense shall be committed for a period of not exceeding ninety days or both such fine and imprisonment in the discretion of the court. Emergency ballots shall also be provided by the board of election commissioners of the county, having suitable blank spaces to permit the voter to vote a straight party ticket, or if he desires to split his party ticket, to indicate the party ticket the majority of whose candidates he favors, together with the names of such other candidates for which he desires to vote. Such ballots shall be used only in emergency and upon special permission of the board or official whose duty it is to provide ballots for the election and who shall prepare such ballots and same shall be held by the city or township clerk subject to the order of the county clerk or other authorized person. It shall not be necessary to provide such emergency ballots for each election, unless same shall have been used, destroyed or lost, in which case similar ballots shall again be provided. If at any time during the election the voting machine is disabled and cannot be repaired and no other voting machine can be had to supply its place, an emergency shall be declared to exist and the voting thereafter at that election, in that voting precinct shall be by ballot, in the manner hereinafter provided in this section; the board or official having the custody of such emergency ballots shall when so directed, supply a sufficient number of such ballots to the election board for use by the voters. One of such ballots shall be delivered by the election board to each voter who may thereafter appear to vote and shall be voted and counted subject to the provisions of the general election law, except as herein otherwise provided. Such ballots shall be numbered consecutively from one up, which number shall be printed upon a perforated stub. The number of the ballot given to each voter shall be written against the voter's name, at the time of the delivery of such ballot and when such ballot is returned by the voter the number thereon shall be compared with the voter's number on the poll book, and if they agree, the stub number shall then be torn off and the ballot deposited in a ballot box provided therefor, but if the numbers do not agree the ballot shall not be received and shall be void. The election board shall immediately ascertain the cause of such discrepancy and shall have power to arrest any person who is shown guilty of a direct or indirect attempt to cast a fraudulent ballot. Upon conviction any such person shall be punished as herein provided.

Am., Extra Session, 1907, Act 7; 1909, Act 214.

Voting machines cannot be used at an election at which the type of machine in use cannot be so arranged as to afford the voter opportunity to vote for any desired combination of the candidates of all parties.—*Helme v. Election Com'rs*, 149/390. Machines must be arranged to permit the elector's choice of candidates without disclosure to inspectors or other persons.—*Id.*

Challenge
of voter.

(558) SEC. 11. When the right of any person offering to vote is challenged the inspector of election shall tender to him

such of the oath required by the election law of the state as he may claim to contain the grounds of his qualifications to vote, and if the voter takes such oath he must be allowed to cast his vote upon the machine. If the challenge is not withdrawn the inspectors of election shall write opposite the name of such voter in the registration book the word "challenged," and if such voter then enters the machine to vote, the election officer shall write the word "sworn" opposite the voter's name in the poll book. If sufficient evidence is produced by any challenger or elector who will make affidavit on blanks provided therefor, that he believes such voter is not a qualified voter, giving the reasons for same, or if such voter is known to the inspectors of election, not to be a qualified voter, they shall immediately cause the arrest of such voter and upon conviction such voter shall be deemed guilty of a felony, punishable as provided in section one hundred fifty-three of the general election laws.

When not withdrawn.

When may cause arrest.

Am. 1909, Act 214.

For the section above mentioned, see section 181 of this compilation.

Challenged votes by the voting machine cannot be identified under any provisions of the statute.—Henderson v. Saginaw Election Com'rs, 160 / 36; Act 214 of 1909, is not unconstitutional in providing that the votes of challenged persons must be accepted after the voters take the required oath.—Id.

(559) SEC. 12. With the exception of persons not nominated or for a combination of names that cannot be voted with the machine and except for voting for presidential electors, no irregular ballot shall be voted for any person for any office, whose name appears on the machine as a nominated candidate for that office. An irregular ballot must be cast in its appropriate place on the machine or it shall be void and not counted.

Irregular ballots, when not to be voted.

Am. Id.

(560) SEC. 13. The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers and the public. The voting machine shall be placed at least three feet from every wall and partition of the polling place and at least three feet from the guard rail. The guard rail shall be constructed at least three feet from the machine with openings to admit electors to and from the machine.

Machine, exterior of, to be in plain view.

Guard rail, construction of.

(561) SEC. 14. Only one voter at a time shall be permitted to pass within the guard rail to vote. The operating of the voting machine by the elector while voting shall be secret and obscure from all other persons, except as provided by this act in cases of voting by assisted electors. No voter shall have the right to remain within the voting machine booth longer than one minute and if he shall refuse to leave it after the lapse of one minute, he shall be removed by the inspectors: Provided, That the inspectors may grant him

One voter permitted at a time.

Time allowed for voting.

Proviso.

further time in their discretion if others are not waiting to vote.

Am. 1909, Act 214.

Machine, how placed.

(562) SEC. 15. The front of the voting machine shall be in full view of the inspectors and bystanders at all times during the election, and the machine shall be so placed or equipped that the keyboard of the machine shall be concealed from the view of all persons, except the voter, so that the voting of each voter shall be in secrecy.

Am. Id.

Locking and unlocking of machine, by whom.

(563) SEC. 16. An inspector of election shall attend to the locking and unlocking of the machine and it shall be his duty to prevent said machine from being unlocked at any time during said election, except when a voter is within for the purpose of voting, and whenever a voter has voted the inspector shall lock the machine and it shall remain so until another voter enters for the purpose of voting.

Voting machines, instruction of electors, etc.

(564) SEC. 17. In case any elector, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, two inspectors of opposite political parties shall give such instructions to him, but no inspector or other election officer or person assisting at any election, shall set such machines for any such elector, or move, turn or operate any lever or other part or mechanism of such machine for such elector, or in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions such elector shall be left alone in the voting machine booth and shall vote as in the case of an unassisted voter, and no inspector or other election officer or person assisting at any election shall be present in such voting machine booth when any such elector sets or operates such machine. When an elector shall make oath that he cannot read English such voting machine shall be set for him in the presence of the challengers of each political party having a challenger at such voting place, by an inspector designated by the board for that purpose, but no such inspector shall operate such machine for any such elector. When an elector shall make oath that because of physical disability he cannot set or operate such machine, or when such disability shall be made manifest to said inspectors, such machine shall be set and operated for him in the presence of the challengers of each political party having a challenger at such voting place, by an inspector designated by the board for that purpose.

When elector cannot read English.

Am. 1911, Act 197.

(565) SEC. 18. No voter or other person shall deface or injure the voting machine or the ballot labels thereon. It shall be the duty of the inspectors of election to enforce the provisions of this section. The inspectors of election shall, at such intervals, as they may deem proper or necessary, examine the face of the machine to ascertain whether it has been defaced or injured, to detect the wrong-doer and to repair any injury.

Examination
of face of
machine.

(566) SEC. 19. As soon as the polls of the election are closed, the inspectors of election thereat shall immediately lock the voting machine against voting and open the counting department in the presence of the challengers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The chairman of the board of inspectors shall, under the scrutiny of another inspector, in the order of the offices as their titles are arranged on the machine, read and announce in a distinct voice the designating number and letter of each counter (if any) for each candidate's name and the result as shown by the counter numbers, and shall then read the vote on each constitutional amendment, proposition or other question. He shall also in the same manner announce the vote as recorded for each office on the irregular ballots, if any. The candidate counters shall not in any case be read consecutively along the party row or column, but shall always be read along the office column or row, completing the canvass for each office before proceeding to the next, and the vote as registered shall be entered by the clerks in figures, directly to the inspectors' statement in ink, on the space which has the same designating number and letter. After recording the vote, as shown by the counters, on the inspectors' statement of canvass, the figures shall be verified by being called off in the same manner from the counters of the machine by another inspector, and if found correct, the inspectors of election shall write each candidate's vote in words in the space provided therefor. If the name of an endorsed candidate appears on the ballot labels more than once and the counters of such a candidate, who has been nominated more than once for an office to which two or more persons are to be elected, are coupled for simultaneous action, so that the vote counted by any one of the counters of such candidate will also be counted by the other counters of such candidate, the record of the vote on but one of such counters shall be taken, and the record of the vote on the other counters shall not be taken but shall be entered as zero. When the counters of a candidate who has been nominated more than once for an office to which but one person is to be elected, in which case such counters shall not be coupled for simultaneous action, the record of the vote on each counter of such candidate shall be taken and added together: Provided, That the name of any candidate shall appear more than once on the ballot labels. The counter compartment of the voting machine shall remain open until

Locking, etc.,
by whom.

Chairman
of board,
duties of.

Irregular
ballots,
vote of.

Figures,
how verified.

When name
appears more
than once.

When records
of vote on
counters to
be added
together.

Proviso.

Result, by
whom an-
nounced.

Corrections,
when made.

Board to
seal machine.

the statement of canvass and all other reports have been fully completed and signed by the election board. During such time any challenger of any party, duly accredited as provided by the election law, who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the chairman of the board of inspectors who shall read the name of each candidate, with a designating number and letter of his counter (if any), and the vote registered on such counter; also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the election board, after which the doors of the voting machine shall be closed and locked. Before adjourning the board shall, with the seal provided therefor, so seal the operating lever of the machine that the voting and counting mechanism will be prevented from operation. Such machines shall remain so sealed for a period of thirty days after the election and shall not be operated during such time except as herein otherwise provided.

Am. 1909, Act 214.

Recanvass,
when to
be made.

Who
notified.

Custodian to
examine, etc.,
machine.

Counters,
how set
before test.

(567) SEC. 20. Whenever it shall appear that there is a discrepancy in the returns of any election district, the board of canvassers of the county, if it be a general election at which county or state officers are elected, or the board of canvassers of the city or township, if it be a city or township election at which city or township officers only, are elected, shall summon the inspectors of the election district in which the discrepancy is alleged to have occurred and said inspector shall, in the presence of said board of canvassers and the custodian, make a record of the number of the seal, the number on the protective counter, if one is provided, and shall open the counter compartment of said machine, and without unlocking the machine against voting, shall re-canvass the vote cast thereon. Before making such re-canvass the said board of canvassers shall give sufficient notice in writing to the county clerk and to the custodian who prepared the machine for the election, of the time and place where said re-canvass is to be made. If upon such re-canvass it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the custodian, in the presence of the inspectors of election and the said board of canvassers, shall unlock the voting and counting mechanism of said machine and shall proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the return from said machine. Before testing the machine, the counters in the party row or column in which the discrepancy is alleged to have occurred

shall be set at zero after which each of such counters shall be operated at least one hundred times. After the completion of said examination the custodian shall then and there prepare a statement in writing giving the result thereof, and said statement shall be witnessed by the persons present and shall be filed with the secretary of the county board of canvassers. Any candidate voted for at any election who conceives himself aggrieved on account of any fraud, error or mistake in the canvass of the vote by the inspectors or in the returns made by the inspectors of election, may file a written petition with the clerk of the board of canvassers as provided in section two hundred eighteen and section two hundred nineteen of the general election laws. Such sections, as far as practicable, shall apply except as herein otherwise provided.

When custodian to file statement.

Sections applicable.

Am. Id.
For the sections above mentioned, see sections 245 and 246 of this compilation.

(568) SEC. 21. The secretary of state shall furnish the necessary inspector's statement and canvassing sheets and samples of the certificates, envelopes, etc., suitable to the machine used, to the board or officer whose duty it is to provide ballot labels and other election supplies for each election, to be delivered to the respective boards of election inspectors to make returns where voting machines are to be used. The form of the inspector's statement shall be like that now provided by the secretary of state, except that the inspector's certificate contained therein shall in addition certify to the number of the machine used, the number on the protective counter, if any, the number on the seal, and that all candidate counters, question counters and the public counter registered zero before the polls open; also the record on the protective counter and on the seal with which the machine is sealed by the inspectors, the number on the public counter and the number of names on the poll list after the polls close. The board or official whose duty it is to provide ballot labels shall notify the secretary of state, giving the order and titles of the offices and the number of such inspectors' statements as will be required and such number plus ten per centum, shall be furnished by the secretary of state to said board or official, at least thirty days prior to election at which they are to be used. As soon as the name of all candidates for the several offices to be elected at that election are filed as required by law, the board or official whose duty it is to prepare the ballot labels for the machine, shall forthwith have the names of each regularly nominated candidate, together with the designating number and letter, if any, corresponding to each of candidates' counter on the voting machine, printed in the space provided therefor, immediately before the word "received" in the inspector's statement: Provided, That in case of the death, resignation or failure to qualify of any of such candidates after such inspectors' statements are printed, a slip may be furnished giving the name, designat-

What secretary of state to furnish.

Inspector's statement, form of.

How and by whom furnished.

Names, etc., how printed.

Proviso, death, etc.

Duty of clerk.

ing number and letter, if any, of the candidate substituted therefor and same shall be pasted, before the delivery of the inspectors' statements to the board of inspectors, over the candidate's name who died, resigned or failed to qualify. It shall be the duty of the clerk of each county, city, village or township which has or may hereafter purchase or adopt voting machines to immediately notify the secretary of state of such fact.

Am. Id.

Election laws applicable.

(569) SEC. 22. All the provisions of the election laws now in force and not inconsistent with the provisions of this act, shall apply with full force to all counties, cities, villages and townships adopting the use of voting machines.

Sec. 23 repeals inconsistent acts.

USE OF VOTING MACHINES IN PRIMARY ELECTIONS.

An Act to permit the use of voting machines in primary elections in the state of Michigan and to repeal all laws inconsistent herewith.

[Act 225 of 1909.]

The People of the State of Michigan enact:

Primaries, voting machines may be used at.

(570) SECTION 1. At all state, county, city and township primaries, ballots or votes may be cast, registered, recorded or counted by means of voting machines as hereinafter provided.

Authorized voting machines.

(571) SEC. 2. Any voting machine which is by law authorized to be used at a general election may, by the order of the board of supervisors of any county, the common council of any city or the township board of any township, be used therein at primary elections in like manner and to the same extent that such machines may be used at general elections, and in case there are more candidates than can have their names placed on any such machines so to be used, or in case such machine is not so constructed that no voter can vote for candidates of more than one political party, then it shall be the duty of the proper election commission to designate what names shall be voted for on the machines, and to print the remaining names upon proper ballots in such manner as far as may be that the political party or parties polling the largest vote in such county for secretary of state at the last preceding election shall be placed upon the machine, and the candidates of smaller parties shall be placed upon ballots, but all the candidates of any party shall either be upon the machine or upon a ballot.

When names to be printed on ballot.

Party preference.

(572) SEC. 3. Ballots or slips used with or upon any voting machine shall be printed on card board or paper of a size suitable to the machine used, but shall be of the colors required for each party or organization at primary elections. It is further provided that such ballot labels or slips shall be furnished by the board or official now required to furnish such supplies. The names of all candidates shall be alternated on the ballot of each party casting at least five per centum of the vote cast in the county or political subdivision at the preceding November election and shall be printed as follows:

Printing of ballots or slips; color.

How furnished.

Names, alternating of.

First, The form shall be set up with the names of such candidates arranged alphabetically, in order according to surnames;

Alphabetical arrangement.

Second, In printing each set of tickets or ballot labels for the several election precincts, the position of the names shall be so changed that each candidate's name for any particular office shall as far as possible appear upon the ballot labels at the head of his office subdivision an equal number of times;

Appearance of name at head of ballot label.

Third, In making the change of position the printer shall take the line of type at the head of each office division and place it at the bottom of the division and move up the column, so that the name that before was second shall be first after the change;

Change of position.

Fourth, Ballots shall also be furnished as near as may be in the form as provided by the general primary law of the state, for voting for delegates to county conventions, and shall be voted in a separate ballot box provided therefor, as now required.

Ballots, to what to conform.

(573) SEC. 4. Whenever a voting machine is used in a primary election the party levers or bars, if any, shall be locked against voting so as to prevent straight ticket voting, and the machine shall be properly arranged so that the voter may vote for as many candidates for each office as there are candidates to be nominated to that office and no more.

Party levers or bars to be locked.

(574) SEC. 5. More than one voting machine may be used in a precinct.

Number.

(575) SEC. 6. All acts or parts of acts relating to the use of voting machines and all acts relating to the selection of candidates by direct vote shall apply as far as practicable wherever voting machines are used in primaries, except insofar as the provisions thereof may be inconsistent herewith.

Acts to govern.

PURCHASE AND USE OF VOTING MACHINES.

An Act to authorize and empower the board of supervisors of any county in the state to purchase and direct the use of voting machines in and for the several voting precincts of said county, and to pay for same out of the general fund of the county.

[Act 154 of 1907.]

The People of the State of Michigan enact:

Supervisors
may direct
use of.

(576) SECTION 1. That hereafter the board of supervisors of any county in the state shall have the power to direct the use of voting machines in and for each voting precinct in the county, at all elections held therein.

May purchase.

(577) SEC. 2. In case said board determines to use voting machines in the elections to be held in said county in the manner hereinbefore provided, it shall be the duty of said board to purchase such a number of machines and of such type as shall seem necessary and proper for the safe and correct conduct of said elections.

Payment.

(578) SEC. 3. The said board of supervisors is hereby authorized to pay for said voting machines out of the general fund of said county, and to make such contract for the purchase of such machines with regard to price, manner of purchase and time of payment as to the said board shall seem proper, and in estimating the amount of taxes to be levied for the general fund, such amount shall be added, extending over such time as may be required to fully pay for such machines.

Make
contract.

Refunds,
townships,
etc., enti-
tled to.

(579) SEC. 4. It is further provided that in case any city, township or village of such county in which the use of voting machines shall have been determined upon by the board of supervisors, shall have previously purchased such machines, such city, township or village shall have returned to it from the general fund of said county, such a pro rata amount of the whole cost for the county as the number of voting precincts so previously provided by any such city, township or village, bears to the whole number in the county, but not exceeding the amount previously paid by any such city, township or village.

Repealing
clause.

(580) SEC. 5. All acts or parts of acts referring to the election laws of this state, as are inconsistent herewith are hereby repealed, in so far as they contravene the provisions of this act.

RETURN OF VOTE TO SECRETARY OF STATE.

[Extract from Act 44, 1899.]

(581) SEC. 28. The vote for governor and secretary of state by townships and wards, and the vote for members of the state legislature cast at the preceding November election, shall be returned to the secretary of state by the several county clerks on or before the first day of December following such election, and it shall be the further duty of all county clerks to furnish to the secretary of state, promptly and without compensation, any further information requested of them, to be used in the compilation of the manual.

County clerks to make returns of vote of certain officers.

Further duty of county clerks.

(582) SEC. 29. The secretary of state shall, as soon as possible after the canvass of votes at the April election, print in pamphlet form the result of such canvass. A sufficient number of said pamphlets shall be printed to supply demands, as shall in the judgment of the secretary of state be required, but in no case to exceed five thousand pamphlets, and they shall be mailed by the secretary of state to persons who may request them.

Secretary of state to publish result of canvass.

PUBLICITY OF PROPOSED CONSTITUTIONAL AMENDMENTS.

An Act to secure greater publicity concerning proposed amendments to the constitution.

[Act 23 of 1905.]

The People of the State of Michigan enact:

(583) SECTION 1. That whenever a proposed constitutional amendment or other question is to be submitted to the electors of the state for popular vote, the secretary of state shall duly prepare concise statements, setting forth the purport, nature and effect of the proposed amendment, or other question, and shall three times send copies of said statements to the several daily and weekly newspapers published in the state of Michigan, no less than sixty, thirty and fifteen days respectively, prior to the election, with a request that said papers give as wide publicity as possible to said proposed amendment, or other questions. And he shall also furnish each county and city clerk in the state at least ten copies of such statement for each voting precinct in their respective counties or cities. Each county or city clerk in the state shall furnish the board of election inspectors of each voting precinct in their respective counties or cities, such statements of not less than ten copies, to be posted by such board of election inspectors in a conspicuous place in the room of holding such election and such statements shall be furnished to the

Constitutional amendments, notice of effect of proposed.

How given.

Copies of statement to be sent clerks.

Statement to be posted at polling places.

inspectors of election in the following languages, namely: Two copies each of Holland, German, Polish and four copies of English. Such statements shall be furnished the election inspectors at least five days before the election.

No charge for publication.

(584) SEC. 2. Publication of any matter by any paper under the provisions of this act, shall be without expense or cost to the state of Michigan.

APPORTIONMENT OF SENATORS AND REPRESENTATIVES.

An Act to apportion anew the representatives in the state legislature among the several counties and districts of this state.

[Act 244 of 1905.]

The People of the State of Michigan enact:

Apportionment of representatives.

Counties entitled to two or more representatives.

Entitled to one.

Counties constituting one representative district, election returns, where made.

(585) SECTION 1. That the house of representatives shall hereafter be composed of one hundred members, elected agreeable to a ratio of one representative to every twenty-four thousand two hundred persons, including civilized persons of Indian descent not members of any tribe, in each organized county, and one representative of each county having a fraction more than a moiety of said ratio, and not included therein, until the one hundred representatives are assigned; that is to say, within the county of Wayne, fourteen; Kent, five; Houghton, three; Saginaw, three; Allegan, two; Bay, two; Berrien, two; Calhoun, two; Genesee, two; Ingham, two; Jackson, two; Kalamazoo, two; Lenawee, two; Marquette, two; Oakland, two; Ottawa, two; St. Clair, two; Washtenaw, two; Alpena, one; Antrim, one; Barry, one; Branch, one; Cass, one; Charlevoix, one; Cheboygan, one; Chippewa, one; Clinton, one; Delta, one; Dickinson, one; Eaton, one; Emmet, one; Gogebic, one; Grand Traverse, one; Gratiot, one; Hillsdale, one; Huron, one; Ionia, one; Isabella, one; Lapeer, one; Livingston, one; Macomb, one; Manistee, one; Mason, one; Mecosta, one; Menominee, one; Midland, one; Monroe, one; Montcalm, one; Muskegon, one; Newaygo, one; Oceana, one; Osceola, one; St. Joseph, one; Sanilac, one; Shiawassee, one; Tuscola, one; Van Buren, one. The counties of Wexford and Lake shall constitute a representative district and be entitled to one representative. The election returns of said district shall be made to the county of Wexford. The counties of Benzie and Leelanau shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Leelanau. The counties of Alger, Luce, Mackinac and Schoolcraft shall constitute a representative district and be entitled to one representative. The election returns of said district shall be made to the county of School-

craft. The counties of Baraga, Iron, Keweenaw, Ontonagon, shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Iron. The counties of Roscommon, Clare and Gladwin, shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Clare. The counties of Crawford, Montmorency, Presque Isle, Oscoda and Otsego shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Presque Isle. The counties of Kalkaska and Missaukee shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Missaukee. The counties of Alcona, Iosco, Arenac and Ogemaw shall constitute a representative district, and be entitled to one representative. The election returns of said district shall be made to the county of Iosco.

See Att'y Gen. v. Springwells, 143 / 523.

An Act to divide the state of Michigan into thirty-two senatorial districts.

[Act 273 of 1907.]

The People of the State of Michigan enact:

(586) SECTION 1. The state of Michigan shall be divided into thirty-two senatorial districts, and each district shall be entitled to elect one senator, and the districts shall be constituted and numbered as follows: Senatorial districts.

The first district shall consist of the eleventh, thirteenth, fifteenth and seventeenth wards of Detroit and the townships of Gratiot, Greenfield, Grosse Pointe, Hamtramck, Livonia, Plymouth, Northville and Redford;

The second district shall consist of the fifth, seventh and ninth wards of Detroit;

The third district shall consist of the first, second, third, fourth and sixth wards of Detroit;

The fourth district shall consist of the eighth, tenth, twelfth and fourteenth wards of Detroit;

The fifth district shall consist of the sixteenth and eighteenth wards of Detroit and the townships of Springwells, Brownstown, Canton, Dearborn, Ecorse, Huron, Monguagon, Nankin, Romulus, Sumpter, Taylor, Van Buren and city of Wyandotte, in the county of Wayne;

The sixth district shall consist of the counties of Kalamazoo and St. Joseph;

The seventh district shall consist of the counties of Berrien and Cass;

The eighth district shall consist of the counties of Allegan and Van Buren;

The ninth district shall consist of the counties of Calhoun and Branch;

The tenth district shall consist of the counties of Jackson and Hillsdale;

The eleventh district shall consist of the counties of St. Clair and Macomb;

The twelfth district shall consist of the counties of Oakland and Washtenaw;

The thirteenth district shall consist of the counties of Genesee and Livingston;

The fourteenth district shall consist of the counties of Ingham and Shiawassee;

The fifteenth district shall consist of the counties of Barry, Eaton and Clinton;

The sixteenth district shall consist of the first, second, third, fourth, fifth, tenth, eleventh and twelfth wards of the city of Grand Rapids in the county of Kent;

The seventeenth district shall consist of the sixth, seventh, eighth and ninth wards of the city of Grand Rapids and the townships of Tyrone, Solon, Nelson, Spencer, Sparta, Alma, Courtland, Oakland, (Oakfield), Alpine, Plainfield, Cannon, Grattan, Walker, Grand Rapids, Ada, Vergennes, Wyoming, Paris, Cascade, Lowell, Byron, Gaines, Caledonia and Bowne in the county of Kent;

The eighteenth district shall consist of the counties of Ionia and Montcalm;

The nineteenth district shall consist of the counties of Monroe and Lenawee;

The twentieth district shall consist of the counties of Huron and Sanilac;

The twenty-first district shall consist of the counties of Tuscola and Lapeer;

The twenty-second district shall consist of the county of Saginaw;

The twenty-third district shall consist of the counties of Muskegon and Ottawa;

The twenty-fourth district shall consist of the counties of Midland and Bay;

The twenty-fifth district shall consist of the counties of Mecosta, Isabella and Gratiot;

The twenty-sixth district shall consist of the counties of Manistee, Mason, Lake, Oceana and Newaygo;

The twenty-seventh district shall consist of the counties of Antrim, Kalkaska, Missaukee, Wexford, Grand Traverse, Leelanau and Benzie;

The twenty-eighth district shall consist of the counties of Alcona, Oscoda, Crawford, Iosco, Ogemaw, Roscommon, Arenac, Gladwin, Clare and Osceola;

The twenty-ninth district shall consist of the counties of Cheboygan, Presque Isle, Alpena, Emmet, Charlevoix, Otsego and Montmorency;

The thirtieth district shall consist of the counties of Menominee, Delta, Schoolcraft, Luce, Mackinac and Chippewa;

The thirty-first district shall consist of the counties of Gogebic, Iron, Marquette, Dickinson and Alger;

The thirty-second district shall consist of the counties of Ontonagon, Houghton, Keweenaw and Baraga.

(587) Sec. 2. The election returns of each county forming one district shall be made to the county clerk's office of said county. The election returns of each district composed of more than one county shall be made to the county clerk's office of the county in which the largest total vote for presidential electors was cast at the last preceding presidential election. The election returns of each district composed of a portion of a county shall be made to the county clerk's office of said county.

Election
returns,
where
made.

LOCAL OPTION LAW.

An Act to prohibit the manufacture, sale, keeping for sale, giving away or furnishing of vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverage, any part of which is intoxicating, and to prohibit the keeping of any saloon or other place for the manufacture, sale, storing for sale, giving away or furnishing of such liquors or beverages, and to suspend the general laws of the state relative to the taxation and regulation of the manufacture and sale of such liquors in the several counties of this state under certain circumstances; to authorize the qualified electors of the several counties in this state to express their will in regard to such prohibition by an election, and to authorize and empower the board of supervisors of the several counties, after such election, if they shall determine the result to be in favor of such prohibition, to prohibit the manufacture, sale, keeping for sale, giving away or furnishing of any such liquors, or the keeping of a saloon or any other place for the manufacture, sale, storing for sale, giving away or furnishing of the same within their respective counties; and to provide for penalties and rights of action in case of its violation.

[Act 207 of 1889, as amended.]

The People of the State of Michigan enact:

(588) § 5412. SECTION 1. It shall be unlawful for any person directly or indirectly, himself or by his clerk, agent or employe, to manufacture, sell, keep for sale, give away or furnish any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverages, any part of which is intoxicating, or keep a saloon or any other place where any such liquors are manufactured, sold, stored for sale, given away or furnished in any county of this state on and after the first day of May next following after the adoption

Local option,
when effective.

Proviso,
druggists.

by the board of supervisors of such county of a resolution prohibiting the same, as provided by section thirteen of act number two hundred seven of the public acts of eighteen hundred eighty-nine, as amended, so long as said resolution remains unrepealed: Provided, however, That the provisions of this section shall not apply to druggists or registered pharmacists selling any such liquors under and in compliance with the restrictions and requirements imposed upon them by sections twenty-five and twenty-six of this act and who have given the bond required by the general liquor law of this state.

Am. 1899, Act 183; 1909, Act 107; 1911, Act 261.

NOTE.—Only such annotations are here used as refer to the holding of elections under this act. For more complete annotations, see sections 5412-5435, C. L., 1897, or pamphlet on manufacture and sale of spirituous liquors. This act is not unconstitutional.—*Feek v. Twp. Board of Bloomingdale*, 82/393. The amendment of the local option law by Act 183 of 1899, is not objectionable under the provisions of article 4, section 20, constitution of 1850, although the original act authorizes the boards of supervisors to act on petitions while the amendment is mandatory.—*In re Wilson*, 160/42.

Provisions
suspended.

(589) § 5413. SEC. 2. On and after the first day of May next following after the adoption by the board of supervisors of any county of a resolution prohibiting the manufacture of liquors and the liquor traffic, as hereinafter provided in section thirteen of this act, the provisions of the general laws of this state for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving away or delivering spirituous and intoxicating liquors and malt, brewed, fermented and vinous liquors, shall be and the same are hereby declared suspended and superseded so far as relates to the territory and municipalities within the limits of any such county.

Am. 1899, Act 183; 1911, Act 261.

Proceedings
to ascertain
the will of the
electors, etc.

Petition.

(590) § 5414. SEC. 3. In order to ascertain the will of the qualified electors of each organized county, in regard to such prohibition, it shall be the duty of the county clerk of the counties of this state, severally, upon written application and petition filed with him and addressed to the board of supervisors of the county, signed by not less than one-third of all the qualified electors thereof, as shown by the poll lists or returns and canvass of the last preceding general election for state officers held in such county, praying that the question, should the manufacture of liquor and the liquor traffic be prohibited within the county, be submitted to the qualified electors of the county, to lay such petitions before the board of supervisors at the earliest opportunity.

Am. 1899, Act 183.

A qualified elector is one who meets the requirements of article 3, section 1, constitution of 1909.—*Rutledge v. Supervisors of Marquette Co.*, 160/22.

Petition re-
quired of each
township
separately.

(591) § 5415. SEC. 4. To enable the county clerk to ascertain that the petitioners thus praying for such an election are qualified electors of such county, and that they constitute at least one-fourth of all the electors of such county, as

shown by the poll list or the returns and canvass of the last preceding general election. To enable each and every elector to determine for himself if his name has been fraudulently attached to said petition, it is hereby required that the signatures of all the petitioners residing in any one and the same township, ward or election district, shall be attached to one petition or list, separate from those of any other township, ward or election district, and that an exact copy of said petition and of all the signatures thereto shall be posted in three of the most conspicuous places in the said township, ward or election district for at least ten days immediately prior to its presentation to the county clerk. Every such petition shall be accompanied by a transcript of the poll list, if it can be procured, of the last preceding general election, held in such township, ward or election district, certified as correct by the township, city or county clerk, as the case may require, and also an affidavit or affidavits, by one or more resident electors of such township, ward or election district, stating therein that an exact copy of such petition, and of all the signatures thereto, has been posted in three of the most conspicuous places in such township, ward or election district, for at least ten days immediately prior to its presentation to the county clerk; and that he or they are personally acquainted with said petitioners and know that they reside within such township, ward or election district, and that the signatures are the genuine signatures of the persons signing the petition, and of the persons whose names severally appear upon such transcript of the poll list, or if such transcript shall not have been procured, then that the persons whose names are attached to said petition are, to the best of his knowledge and belief, qualified electors in such township, ward or election district: Provided, however, That, if for any reason a certified transcript of any poll list shall not have been procured, or if such transcript shall be defective, it shall be sufficient if the whole number of all the petitioners is equal to one-fourth of the number of all the qualified electors of such county, as shown by the returns or county canvass of the last preceding general election.

Signatures to be posted in public places.

To be accompanied by transcript of poll list.

Affidavit of posting.

Proviso as to transcript.

If the petitions presented to the county clerk praying that an election be held are accompanied by transcripts of the poll lists of the last preceding general election, as provided for, the fact that the petitioners whose names appear upon the poll lists still reside within their respective townships, wards or election districts must be shown by the affidavit or affidavits of one or more resident electors thereof, upon his or their own knowledge; but if such transcripts do not accompany the petitions, the affidavit or affidavits need only state that the persons whose names are attached to the petitions are, to the best of affiant's knowledge and belief, qualified electors in such township, ward or election district, which implies a residence within the township.—*Friesner v. Common Council of Charlotte*, 91/504. One who is a registered elector is a qualified voter under the local option law, although his name does not appear upon the poll lists.—*Werstein v. Supervisors of Calhoun Co.*, 156/63. Under this section, affidavits that copies of the local option petitions have been posted ten days prior to their presentation to the county clerk must be made after the lapse of the ten-day period in order to comply with the statute.—*Crawford v. Supervisors of Gratiot Co.*, 160/31.

County clerks
to file peti-
tion, etc.

(592) § 5416. SEC. 5. When such petitions have been presented to the county clerk, he shall file the same in his office, and when it shall appear upon the face thereof, and by the transcripts of the poll lists, or by reference to the returns and canvass of the last general election that such submission of said question of prohibition has been prayed for by not less than one-third of all the qualified electors of the entire county, shown as aforesaid, he shall, at the next regular or adjourned meeting of the board of supervisors, call the attention of the board to the fact that such petitions have been received and filed with him.

Am. 1899, Act 183.

The resolution of the board of supervisors, adopted in conformity to law, and the record being regular, that an election under the local option law has been prayed for by the requisite number of electors, is conclusive of the preliminary steps necessary to set the board in motion.—*Thomas v. Abbott*, 105/687. The statute does not provide for the filing or keeping of any separate order, distinct from that entered upon the journal, and the provision that the board "shall thereupon issue an order directing that such election be held" is complied with by the service upon the officers named in the act of copies of the order, and the publication of the same. Where, in the record of the day's proceedings, other matters appear besides the resolution or order of the board directing the holding of a local option election, it is proper to omit such irrelevant matter from the notices served and posted, and to append thereto the signatures of the clerk and chairman found at the close of the day's proceedings as recorded. The law does not, in terms, require the posting of the certified copy of the order served upon the township clerk, and it is sufficient if said order is embodied in the notice of election posted by that officer. Three of the inspectors signed the original canvass of the votes given in their township and apparently all joined in the returns that were canvassed by the board of supervisors, and it is held that the board had power to require an amended return if the one made was incomplete, and might, in certain cases, proceed and complete the canvass. The commissioners of election have authority under the more recent Australian ballot law, to provide ballots for a local option election. The jurisdiction being shown by a valid record and canvass, the determination of the board of supervisors as to the result of a local option election is final.—*Id.*

Clerk to lay
petitions be-
fore super-
visors.

(593) § 5417. SEC. 6. At such meetings of the board of supervisors it shall be the duty of the county clerk to lay before them petitions filed in his office praying for such submission of said question of prohibition, and when upon examination, it shall appear to the said board, upon the face of said petitions, and by the transcripts of the poll lists, or by reference to the returns and canvass of the last general election, that such submission of said question has been prayed for by the requisite number of electors, as hereinbefore provided, they shall, by resolution, determine and declare to that effect, and such determinations shall be final as to the sufficiency of the petitions and the requisite number of electors signing the same, and they shall thereupon issue an order directing that such question shall be voted upon at the next annual township election to be held in and for such county. Said order shall recite: The filing and examining of the petitions; the resolution determining and declaring that said petitions represent not less than one-third of all the qualified electors of the county as shown by the transcripts of the poll lists, or the returns and canvass of the last preceding general election for state officers held in such county; the ordering of the question of prohibition to be submitted at the next general election for township officers in the several townships,

Order for
election,
what to
recite.

villages and cities in the county, to ascertain whether or not it is the will of the electors of the county that the manufacture of liquor and the liquor traffic should be prohibited within the limits of the county; which said day of election shall always be at the time of the township meeting for the election of township officers. Such orders shall be entered in full upon the journal of the proceedings of the board for that day, and the same shall be signed by the acting chairman and clerk of the board before final adjournment. The county clerk shall, without delay, cause a copy of such order, duly certified by him, to be delivered to the township clerk of each township, and to one of the inspectors of election of each ward or election district of every city in the county, and shall also at the same time cause such order to be published for three successive weeks in two newspapers published in the county.

Order to be entered upon journal.

Copy to be sent to clerks and inspectors of election.

Order for election, how published.

Am. Id.

The purpose of the provisions of the act making the determination by the board of supervisors that the election has been prayed for by the requisite number of electors signing the same, was to place the result when once reached by the people, beyond controversy or collateral attack, which power it was competent for the legislature to confer upon the board, under article 4, sec. 38, of the constitution.—*Friesner v. Common Council of Charlotte*, 91/504. The provisions fixing the time when the different proceedings taken by the board of supervisors under the act shall be entered on their journal and signed by the acting chairman and clerk, are mandatory.—*Covert v. Treasurer of Gratiot Co.*, 93/603. It is competent for the board of supervisors, when convened for the purpose of determining whether or not an election under the local option law has been prayed for by the requisite number of electors, to collect and collate the required statutory facts through a committee appointed for that purpose.—*Giddings v. Wells*, 99/221. Sec. 2477, C. L., 1897, which makes it the duty of the clerk of the board of supervisors to record the vote of each supervisor on any question submitted to the board when required by any member, gives an ample remedy to minorities, and where the record sets forth the adoption of a resolution without giving the yea and nay vote, it will be presumed that it received the necessary majority vote to authorize its passage. Where the returns made by the inspectors of election bear date as of the day on which the election was held, it will be presumed that the inspectors prepared the same "without recess or adjournment," as required by section ten of the local option law. The consideration by the board of supervisors, in determining the result of an election under local option law, of illegal returns from certain townships, will not invalidate the election, where the exclusion of such returns will not destroy the majority in favor of the proposition submitted to the electors. The operation of the local option law in a given county does not depend upon the forwarding, without delay, by the county clerk to the secretary of state, of a certified transcript of the resolution of prohibition, and of so much of the journal of the proceedings of the board of supervisors, as pertains to the election, including the tabular statement of votes, together with a copy of the affidavit of publication of the notice of the adoption of the resolution, as required by section fourteen of the local option law; and the failure of the clerk to comply with said provision will not defeat the proceeding. Under this section which provides that the order of the board of supervisors directing that an election be held, "shall be entered in full upon the journal of the proceedings of the board for that day, and the same shall be signed by the acting chairman and clerk of the board before final adjournment," it is sufficient if the journal for the day is signed after the close of the session.—*Thomas v. Abbott*, 105/688. The determination of the board of supervisors that a sufficient number of qualified voters of the county had petitioned for the submission of the question in the county is final.—*Koerber v. Supervisors*, 155/677. This section gives the right to one whose name has been fraudulently placed upon a petition to have it erased, but does not confer such right upon one who signs the petition of his own volition.—*Id.*

Section 7 repealed, 1899, Act 183. As to sufficiency of petitions and affidavits.—*Madill v. Midland Com. Council*, 156/56; *Wernstein v. Supervisors of Calhoun Co.*, 156/63. Publication of notice of election.—*Bauer v. Township board of Denmark*, 157/395. The record of the board of supervisors evidencing the action of the board upon a petition to submit to the voters the question of the adoption of local option, may not be collaterally attacked because of the failure of the clerk to sign the record before the final adjournment, where the record had been signed by the clerk during his term of office, and had been read and approved at a subsequent meeting, the record of which was properly authenticated.—*Derosia v. Loree*, 158/64. A petitioner may not have his name removed after the petition is filed, when

the signature was genuine and voluntary.—*Kern v. Supervisors of St. Clair Co.*, 180 / 11; see also *Rutledge v. Supervisors of Marquette Co.*, 180 / 22; *Lewis v. Supervisors of Montmorency Co.*, 184 / 595. The boards of supervisors are not authorized to go behind the petitions and affidavits required by statute to determine the qualifications of the petitioners.—*Flanders v. Supervisors of Van Buren Co.*, 160 / 27.

Ballots, who to furnish, form of, etc.

(594) § 5419. SEC. 8. The officers whose duty it is to provide ballots for such annual township election shall provide suitable ballots, as is provided for in section forty-eight of act number two hundred sixty-six of the session laws of eighteen hundred ninety-seven, containing the question, "Shall the manufacture of liquors and the liquor traffic be prohibited within the county?"

Am. 1899, Act 183.

Qualification of electors.

Registration, how conducted, etc.

Proviso as to submitting question.

(595) § 5420. SEC. 9. All persons entitled under the law of this state to vote for supervisor shall be deemed qualified to vote upon the question of prohibition provided for in this act. The registration of the qualified electors, the hours of opening and closing the polls, the manner of voting, and of holding and conducting an election under this act, and the power and duty of the boards of registration, of inspection of election, township boards and common council, and all other officers with reference to such election, shall be the same in every respect as in the case of annual township elections, or the election of members of the board of supervisors, except as otherwise provided for by this act so far as the same shall be applicable: Provided, however, That such proposition having been once submitted and decided either way by a majority of the votes of the qualified electors in any county in the state, voting thereon, the same shall not be again submitted in such county within a period of two years next thereafter, but may, at any time after the expiration of such period upon a like petition and action, be again submitted, and so on, at the expiration of not less than two years after such election.

Am. Id.

EXPIRATION OF TWO YEARS: See *Keefer v. Hillsdale Co.*, 109 / 645.

Statement of result, etc., by inspectors.

Contents.

To be filed.

(596) § 5421. SEC. 10. At the close of the canvass, and after declaring the result of the vote, and without recess or adjournment, the inspectors shall draw up a statement of such result and cause a duplicate thereof to be made, which statement and duplicate, together with the poll lists, shall be certified by the inspectors to be correct, and shall be subscribed with their names. Such statement shall set forth in words at length the whole number of votes given upon the proposition submitted, and the whole number of votes cast "yes" and the whole number of votes cast "no" thereon, and the majority for or against the proposition. Said statements, together with the poll lists, shall forthwith be filed by the inspectors with the township or city clerk, one copy of each of which shall be filed and preserved in his office, and the other transmitted by him to the county clerk of the county within

five days after such vote shall be taken, and there remain on file.

WITHOUT RECESS, ETC.: This provision relative to drawing up the statement is mandatory.—*Covert v. Munson*, 93 / 605. See *Giddings v. Wells*, 99 / 224.

(597) § 5422. SEC. 11. The board of supervisors of such county shall meet on the first Monday after such election to canvass the vote of the county, and shall ascertain, determine and declare the result thereof. At such meeting the county clerk shall lay before the board the statements of the votes of the several townships, wards and election districts filed with him, as above provided. Such canvass, determination, and declaration of the result, together with a tabular statement of all the votes cast, shall be entered in full upon the journal of their proceedings for that day, and the same shall be signed by the acting chairman and the clerk of the board: Provided, That if any such statement or poll list shall not be made, certified or returned, as provided in section ten of this act, the board of supervisors may, at such meeting, send for the same and require the same to be certified and made, the same, and with like power and authority, as the board of county canvassers at general elections.

Board of supervisors, when to meet and canvass vote.

Proviso.

Where the board, on the day provided by statute for canvassing the result of such election, met and appointed a committee to tabulate the vote from the returns of the different precincts, and took a recess until the following day when the report of said committee and the returns were submitted and the proposition declared to be carried, was not fatal to the validity of the election; such provision being directory.—*Madill v. Midland Com. Council*, 156 / 57.

(598) § 5423. SEC. 12. In case any township, ward or election district shall refuse or neglect to hold an election at the time or in the manner required under this act, or in case the statement of the votes of any one or more townships, wards, or election districts shall be unlawfully withheld from such board of supervisors, and it shall appear to said board of supervisors upon inquiry that such refusal or neglect to hold an election, or that such withholding of any statement of the votes is done for the purpose of preventing a full expression of the will of the electors of such county upon the proposition so submitted, it shall nevertheless be lawful for such board to proceed with the canvass of the votes and declare the result thereof, the same as though no such refusal or neglect to hold such election or the withholding of any such statement had taken place; and such refusal, neglect or withholding shall in no wise affect or invalidate the result of the election as determined and declared by such board.

In case township, etc., shall refuse to hold election.

Feek v. Twp. Board, 82 / 410; *Thomas v. Abbott*, 105 / 692.

(599) § 5424. SEC. 13. When the result of the county canvass shall show that a majority of all the legal voters voting on such proposition shall have voted to prohibit within such county the manufacture of liquors and the liquor traffic,

Duty of supervisors, when vote is in the affirmative.

Resolution of prohibition.	and when the board of supervisors shall have so determined and declared, as hereinbefore provided, it shall be the duty of such board of supervisors to order the prohibition within the limits of such county of the manufacture, sale, keeping for sale, giving away or furnishing of any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverage, any part of which is intoxicating, and to prohibit the keeping of a saloon or any other place where such liquors are manufactured, sold, stored for sale, given away or furnished, by resolution, adopted at that same meeting of the board, or at a meeting to which the same may be adjourned not more than ten days after such canvass.
Entered upon journal.	Such resolution shall be spread in full upon the journal of their proceedings and shall set forth in a preamble the fact that an election submitting a proposition of prohibition as aforesaid was duly held in the county; that sufficient returns and statements have been canvassed by them and the result thereof ascertained; that such result was in the affirmative of such proposition, giving the majority, and that the same has been so determined and declared by them. Such resolution of prohibition shall take full effect in such county on the first day of May next following its adoption, and shall not be subject to repeal by the board of supervisors within two years next thereafter, after the expiration of which period the board may again on petition of one-third of all the qualified electors thereof, as shown by the poll lists or returns and canvass of the last preceding general election for state officers held in the county, by a majority vote of all the members elect act as in the first instance, and repeal such resolution of prohibition, but not unless a majority of the electors of the county, voting on such proposition, at a subsequent election duly held in accordance with the provisions of this act, shall have declared against the prohibition of the manufacture of liquor and of the traffic therein, and upon the repeal of such resolution of prohibition by the board of supervisors, all former suspension and superseding of the general laws of the state relative to the taxation and regulation of the manufacture and sale of intoxicating liquors, as provided in section two of this act, shall cease within such county: Provided, however, That all actions which may have been brought and all rights of actions which may have accrued before such repeal shall remain and continue to exist as fully as if no such repeal had taken place.
When to take effect.	
When not subject to repeal.	
Result of repeal, etc.	
Proviso.	

Am. 1899, Act 183.
 Peck v. Twp. Board, 82/414; Keefer v. Supervisors, 109/645. As to finality of determination of board of supervisors.—Haehnle Brewing Co. v. Supervisors, 156/493.

Clerk to publish copy of resolution.

(600) § 5425. SEC. 14. It shall be the duty of the clerk of such board of supervisors to publish without delay, once in each week until the first day of the next May, in a newspaper published and circulating in such county, to be designated by the board, a copy of the preamble and resolution

adopted by the board, as provided by section thirteen of this act: Provided, That if such proposition shall have been decided in the negative, such publication shall not be required. The said clerk shall also, without delay, forward to the secretary of state a certified transcript of such resolution and of so much of the journal of the proceedings of the board of supervisors as pertains to such election, including the tabular statement of votes, together with a copy of the affidavit of publication of the notice of the adoption of the resolution. Such original affidavit of publication shall be filed with the clerk of the board of supervisors, and he shall spread the same on the records of the board, following the record of the adoption of the resolution of prohibition, and the said clerk shall state next on the record the date when said notice and affidavit of publication was entered for record, and shall then sign the record officially. The record of such resolution of prohibition and the publication of notice, and all duly certified copies thereof, shall be the evidence of the facts therein stated so far as relates to the territory and municipalities within the limits of said county; and the regularity of any proceedings prior to the adoption of such resolution by the board of supervisors shall not be open to question on the examination or trial of any person for the violation of any of the provisions of section one of this act.

Proviso.

Clerk to forward to secretary of state transcript of resolution, etc.

Record of publication to be evidence.

Am. Id.

DESIGNATION OF NEWSPAPER: The statute requires a designation by the board when declaring the result. A prior letting of the county printing to certain papers is not sufficient. The record of the proceedings is fatally defective if it does not contain such a designation.—*Moran v. Co. Treasurer*, 97/186.

TRANSCRIPT: The operation of the law is not made to depend upon the forwarding or filing of this transcript and the failure of the clerk to comply with this provision will not defeat the proceedings.—*Giddings v. Wells*, 99/224.

AFFIDAVIT OF PUBLICATION: Sufficiency of.—*People v. Whitney*, 105/633.

RESOLUTION AND PUBLICATION: The adoption of the proper resolution and the publication of a notice of its adoption are the only conditions required to put the law in force. The clerk acts in a ministerial capacity in recording these resolutions, and the will of the electors cannot be thwarted by his failure to properly perform a ministerial duty.—*People v. Hamilton*, 143/1. See also *People v. Fisch*, 164/680.

(601) § 5426. SEC. 15. The prohibitory provisions of this act shall take effect and have full force within such county of this state on and after the first day of May, immediately following the adoption by the board of supervisors of such county of the resolution ordering such prohibition and upon publication of the notice of the adoption of such resolution: Provided, however, That nothing in this act shall be so construed as to prohibit the sale of wine for sacramental purposes, nor shall anything herein contained prohibit druggists or registered pharmacists from selling or furnishing pure alcohol for medicinal, art, scientific and mechanical purposes, nor prohibit the sale of wine or cider from home-grown fruit in quantities of not less than five gallons, nor shall the provisions of this act be construed to prohibit the manufacture of wine or cider, nor shall the provisions of this act be construed

When certain provisions to take effect.

Proviso.

to prohibit the sale at wholesale of wine or cider manufactured in said county to parties who reside outside of said county.

Am. 1899, Act 183; 1903, Act 170.

Sections 16, 17, 18 and 19 contain provisions relative to the enforcement of the act, if adopted by the electors.

Penalty on certain officers for neglect of duty.

(602) § 5431. SEC. 20. Any township, city, or county clerk, member of the board of registration, inspector of election, supervisor or other officer, who shall refuse or wilfully evade or neglect to perform any of the duties imposed upon him by the provisions of this act, shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Compensation of certain officers.

(603) § 5432. SEC. 21. The several officers required to render any service by reason of this act shall receive the same compensation allowed by law for other like services and from the same sources, and the fees for publishing the required notices shall be allowed by the board of supervisors and paid by the county.

When certain officers to make copy of poll list.

(604) § 5433. SEC. 22. It shall be the duty of any township, city or county clerk on the demand of any qualified elector in the county, and on payment or tender to him of the fee herein prescribed, to make out within a reasonable time and at his office deliver to such elector a true and certified copy of the poll list, or poll lists of the last general election held in his township, city or county, on file in his office, for which he shall be entitled to receive at the rate of fifty cents for every one hundred names.

Secretary of state to prepare blank statements, poll books.

(605) § 5434. SEC. 23. The secretary of state is hereby required to prepare all suitable blank statements and poll books to be used at elections held under this act, and to furnish the same in sufficient numbers upon application to each county clerk, whenever they shall be needed in the county. And it shall be the duty of such county clerk, whenever such election is to be held in the county, to make requisition upon the secretary of state for a sufficient number of such blank statements and poll books, and at least ten days before such election distribute and deliver the same to the several township and city clerks in the county.

Duty of attorney general to draft blank forms.

(606) § 5435. SEC. 24. It shall be the duty of the attorney general to draft, or cause the same to be done, under his supervision, a complete set of all the blank forms that may be used or required under the provisions of this act; and it shall be the duty of the secretary of state to publish and distribute a sufficient number of copies of this act in pamphlet form, with an appendix containing a copy of all such blank forms.

Section 25 was added in 1899, Act 183, amended in 1909, Act 107, and relates to the recording of sales of liquors by druggists.

Sections 26-39 comprise the so-called "search and seizure" act, were added by act 107 of 1909 and do not relate directly to elections.

HOLIDAYS.

An Act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, in the holding of courts, and relative to the continuance of suits.

[Act 124, L. M. 1865.]

The People of the State of Michigan enact:

(607) § 4880. SECTION 1. The following days, namely: Holidays designated.
the first day of January, commonly called New Year's day;
the twelfth day of February, commonly called Lincoln's
birthday; the twenty-second day of February, commonly
called Washington's birthday; the thirtieth day of May, com-
monly called Decoration day; the fourth day of July; the
first Monday of September, commonly called Labor day; the
twenty-fifth day of December, commonly called Christmas
day; every Saturday from twelve o'clock noon until twelve
o'clock at night, which is hereby designated a half holiday;
all national, state, county or city election days, and any day
appointed or recommended by the governor of this state, or
the president of the United States as a day of fasting and
prayer or thanksgiving, shall, for all purposes whatever as
regards the presenting for payment or acceptance, and of
the protesting and giving notice of the dishonor of bills of
exchange, bank checks and promissory notes, made after this
act shall take effect, also for the holding of courts, except
as hereinafter provided, be treated and considered as the
first day of the week, commonly called Sunday, and as pub-
lic holidays or half holidays; and all such bills, checks and
notes otherwise presentable for acceptance or payment on
any of the said days shall be deemed to be payable and pre-
sentable for acceptance or payment on the secular or busi-
ness day next succeeding such holiday or half holiday: Proviso, Saturdays.
Provided, That in construing this section, every Saturday un-
less a whole holiday, as aforesaid, shall for the holding of
court and the transaction of any business authorized by the
laws of this state be deemed a secular or business day: Proviso as to suits.
Provided also, That in case the return or adjourn day in any
suit, matter or hearing before any court, officer, referee or
arbitrators shall come on any of the days first above named
except Sunday, such suit, matter or proceeding, commenced
or adjourned as aforesaid, shall not, by reason of coming on
any of such days except Sunday, abate, but the same shall
stand continued on the next succeeding day, at the same
time and place unless the next day be the first day of the
week, or a holiday, in which case the same shall stand con-
tinued to the next day succeeding said first day of the week
or holiday, at the same time and place: Proviso as to circuit courts.
Provided further, That whenever the first day of the general term of any cir-
cuit court, as fixed by the order of a circuit judge shall fall

Further
proviso,
legal process.

upon either of the days first above named or whenever any circuit court shall be adjourned to any of the days first above named, such court may be adjourned to the next succeeding secular day: Provided further, That nothing herein contained shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons or confession of judgment or other legal process whatever, holding courts or the transaction of any lawful business except banking on any of the Saturday afternoons herein designated as half holidays, nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons, if by a vote of its directors it elects to do so.

Am. 1903, Act 254; 1905, Act 35; 1909, Act 246.

The use of the words "any day" instead of "the day," shows that the intent of the legislature was not to limit the holidays to the general Thanksgiving day, but to all days designated as days of "fasting and prayer or thanksgiving."—People v. Ackerman, 50 / 590.

When holi-
day falls up-
on Sunday.

(608) § 4881. SEC. 2. Whenever the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July or the twenty-fifth day of December shall fall upon Sunday, the next Monday following shall be deemed a public holiday for any or all of the purposes aforesaid: Provided, however, That in such cases all bills of exchange, checks and promissory notes made after the passage of this act which would otherwise be presentable for acceptance or payment on said Monday shall be deemed to be presentable for acceptance or payment on the secular business day next succeeding such holiday.

Proviso, as
to checks, etc.

Added 1893, Act 185; Am. 1909, Act 246.

An Act designating the twelfth day of October of each year as a public holiday, to be known as "Columbus day."

[Act 258, P. A. 1909.]

The People of the State of Michigan enact:

Columbus
day declared
holiday.

(609) SECTION 1. The twelfth day of October of the year nineteen hundred nine, and the twelfth day of October of each year thereafter is hereby declared a public holiday to be known as "Columbus day" and the same shall be recognized, classed and treated as other legal holidays under the laws of this state: Provided, That this act shall not be construed to affect commercial paper, the making or execution of agreements or instruments in writing, or interfere with judicial proceedings.

Proviso,
commercial
paper, etc.

CHAPTER XIV.—PRIMARY ELECTION LAW.

An Act relative to the nomination of party candidates for public office and delegates to political conventions, to regulate primary elections and to prescribe penalties for violations of its provisions, and to provide for the printing upon election ballots of the names of candidates nominated under the terms of this act, and to repeal act number four of the public acts of the extra session of the year nineteen hundred seven, and all local primary election acts contravening the provisions of this act, except as in this act otherwise provided.

[Act 281 of 1909.]

The People of the State of Michigan enact:

(610) SECTION 1. Whenever any primary election shall be held in this state or in any city, county or district in this state, pursuant to the provisions of this act, the nomination of candidates for the offices herein named, by each political party, shall be made by direct vote of the enrolled voters of such political party in the state or in any district, county, or city in this state, as the case may be, in the manner hereinafter provided.

When candidates nominated by direct vote.

See Bradley v. Bd. of State Canvassers, 154 / 274; Line v. Election Com'rs, 154 / 329.

(611) SEC. 2. All primary elections shall, except as herein otherwise provided, be conducted and regulated as near as may be in every particular as prescribed by law for the regulation and conduct of general elections. The provisions of the general election law shall apply to primary elections with respect to the giving of notices of enrollment and election, in fixing places for holding such elections, providing the ballot boxes with the necessary equipment and supplies, in giving notice of meetings of boards of canvassers, in canvassing and certifying the result of the primary election and in giving notice of primary elections except as the contrary may be herein expressed, and all officers required to perform similar duties under the general election law shall be required to perform such duties under this act, with like power and compensation. All expenses of primary elections shall be defrayed from the same funds from which are defrayed the expenses of an election.

Primary elections, how governed.

Provisions applicable.

Expenses, how defrayed.

Am. 1911, Act 279.

(612) SEC. 3. The words "primary" or "primary election," as used in this act, shall be construed to mean an election for the purpose of deciding by ballot who shall be the nominees of political parties for the offices named in this act or for the election by ballot of delegates to political conventions. The words "qualified elector" shall be construed to

"Primary," term defined.

mean an elector who is qualified under the general election law, to vote for a member of the legislature in this state.

Who may
vote.

(613) SEC. 4. No person shall be permitted to vote at any primary election held in this state, unless he shall have been enrolled in the manner herein provided as a member of a political party. The voters in the various political parties shall be afforded an opportunity to become enrolled voters of the particular political party with which they are affiliated on the first Monday of April preceding the August primary election and on the last Saturday in January of each year:

Proviso, en-
rollment by
affidavit.

Provided, however, That any qualified elector may become enrolled and be eligible to vote at any primary election if he shall deliver to the city or township clerk or other officer in charge of the enrollment book a written request for said enrollment accompanied by an affidavit setting forth that he is a qualified elector of said township, ward or precinct, and that it is bonafide his intention to affiliate with the political party in which he seeks to enroll: Provided, however, That no enrollment by notice and affidavit shall entitle any elector to vote at any primary that shall occur within two months from the date of said enrollment. It shall be necessary for all electors to become enrolled under authority of this act and no elector shall be deemed a qualified enrolled elector who has been enrolled under any prior act subsequent to the date this act takes effect.

Proviso.

Enrollment
under this act.

Am. 1911, Act 279.

Enrollment
board.

Session of.

(614) SEC. 5. The various boards of election inspectors provided for by the provisions of the general election or other law shall constitute an enrollment board. The said enrollment boards shall be in session in every voting precinct in this state on the day prescribed in this act and during the same hours that the polls are required to be open at a general election. Notice of the time when and the place where said boards shall be in session shall be given in the same manner that notices of meetings of boards of registration are given. An extra clerk may be employed by said board to act as enrolling clerk on enrollment day.

Enrollment
book, form of.

(615) SEC. 6. The enrollment herein provided for shall be made in a suitable book in which the names shall be enrolled in alphabetical order. Such books shall be furnished by the secretary of state to the county clerk and by him delivered to said enrollment boards, at the same time and in the same manner as is now provided by law for the delivery of blanks for use at general elections, and shall be prepared substantially in form as follows:

Party enrollment of voters in

.....county	
.....city	
.....precinctward
.....township	

Date.	Enrolled No.	Name.	Residence.
Street No.		Party Affiliation.	Remarks.

Said enrollment book shall also contain blank form of certificates to be used by the enrollment board in making its return of such enrollment in the manner herein provided. It shall be the duty of the secretary of state to prepare and forward to each voting precinct in this state, blank leaflets upon which the enrolling clerk can indicate the necessary corrections in any party enrollment heretofore taken, or which may hereafter be taken, one copy of which shall be forwarded by the enrollment clerk to the county clerk and one copy to the secretary of state. It shall be the duty of the enrollment board to write the name of the political party or organization given by a person making application for enrollment and ditto marks shall not be used to indicate any voter's political affiliation. Any enrollment board or the members thereof failing to hold an enrollment and afford to the voters an opportunity to become enrolled shall upon conviction thereof be deemed guilty of a misdemeanor and shall be subject to the penalties prescribed in this act.

Correction blanks.

Enrollment board, duty of.

Am. 1911, Act 279.

(616) SEC. 7. The legal custodian of the general registration book of each election precinct, shall be custodian of the party enrollment book provided for herein. Such custodian shall, within ten days after any party enrollment, or correction of the enrollment book, forward under seal to the county clerk of his county and to the secretary of state, on blanks therefor to be furnished by the secretary of state, one copy of the party enrollment, or the corrections and additions made in the enrollment book of each election precinct, to each of which copies he shall attach his certificate that the same is a true and correct copy of the party enrollment or of the corrections and additions to the same.

Registration, etc., books, custody of.

(617) SEC. 8. On the date named herein for the enrollment of voters, the various enrollment boards shall review the enrollment book and correct the same in the same manner as corrections are made in the registration book for said precinct provided for under the provisions of the general election law. The custodian of said enrollment book shall deliver the same to the board of enrollment for the purposes of review and correction as herein provided. The said enrollment board shall enroll all qualified electors who make personal application for and are entitled to enrollment as members of any political party. Whenever any qualified elector shall apply for enrollment

Review of enrollment book.

Enrollment of voters.

but shall neglect or refuse to give the name of his party or if he has none, he shall not be enrolled. Whenever a qualified elector is entitled to enrollment, he shall be enrolled by the said board as a member of the particular political party which he names.

Am. 1911, Act 279.

Duty of
chairman.

(618) SEC. 9. At the close of enrollment on enrollment day, it shall be the duty of the chairman of the board having in charge the party enrollment in any election precinct, to cause two black lines to be drawn across the page under the last name enrolled under each alphabetical letter in the party enrollment book, and shall cause to be written between said lines the words, "Last name enrolled under this letter the day of19..," filling in the date of said enrollment.

Enrollment
on primary
day.

(619) SEC. 10. Any qualified elector in any election precinct in this state, who failed to have his name enrolled on enrollment day by reason of sickness or unavoidable absence from the election precinct, and who is a qualified elector in said precinct on primary election day or any person who may have become twenty-one years of age or a qualified elector after enrollment day, may have his name enrolled by the board of primary election inspectors on any primary election day upon making oath as provided in the general election law, relative to the registration of electors on election days; or any person who was duly enrolled in the manner herein provided but who has changed his residence to any election precinct, other than that in which he was enrolled, may be enrolled in the new election precinct and may vote therein: Provided, That he has resided in the election precinct in which he seeks to be enrolled for a period of twenty days and that he obtained from a member of the enrollment board of the election precinct in which he formerly resided, a certificate stating that he was duly enrolled in such precinct, and that he is entitled to enrollment in the new precinct, which certificate shall contain all the data set forth in the enrollment book; or that he satisfy the said enrollment board of primary election inspectors, upon making oath to such fact as provided in the general election law relative to the registration of electors on election day, of the existence of such facts.

Change of
residence.

Proviso.

Change of
party
affiliation.

(620) SEC. 11. Whenever an enrolled voter has changed his party affiliation and desires to be enrolled as a member of another political party, he may personally make application only on enrollment day for re-enrollment to the enrollment board, and said board shall thereupon re-enroll the name of said enrolled voter, and at the same time draw a pen mark through the name of said enrolled voter as previously enrolled and opposite said name as previously enrolled, shall write the word "re-enrolled" and the date of said enrollment.

(621) SEC. 12. The question of the nomination of party candidates for city offices, in cities having a population of less than seventy thousand, may be submitted or resubmitted to the qualified electors of such city upon petition therefor signed by a number of voters of such city, which number shall constitute not less than twenty per centum of the total number of votes cast in such city for secretary of state at the last preceding November election. Such proposition may be submitted or resubmitted at any primary election: Provided, That a resubmission in any city shall not take place within two years after such question has been decided either affirmatively or negatively by a majority of the qualified voters of such city voting on such proposition.

Party nomination for city offices.

Proviso.

Am. 1911, Act 279.

(622) SEC. 13. The petition referred to in the preceding section relative to city offices in cities having a population of less than seventy thousand, shall be addressed to the city clerk and shall be delivered to said city clerk at least thirty days before the date of the election on which the proposition is to be voted upon by the voters of said city.

Petition, where addressed.

Am. Id.

(623) SEC. 14. The said petition shall be substantially in the following form: Form of.

We, the undersigned, voters of the city.....
of respectfully petition that the
question of direct nomination of party candidates for
..... shall be submitted (or resubmitted) to the
qualified electors of said city on the
(Signed).....
.....

Am. Id.

(624) SEC. 15. The said city clerk shall examine said petition and if it is found that a sufficient number of voters have signed said petition, he shall give notice as near as possible in the manner now provided by law for giving notice of general elections in this state, that at an election to be held pursuant to the provisions of this act (giving the date), the proposition will be submitted or resubmitted to the qualified electors of said city, referred to in such petition or petitions whether the nomination of party candidates for the offices named in said petition or petitions shall thereafter be made in such city by direct vote, and the proper board of election commissioners under the general election law shall cause to be printed on the ballot to be used at such primary election, in substance, the following words:

City clerk to give notice.

Ballot, form of, etc.

Instruction: Make a cross in the square to the left of the words "Yes" or "No" on each proposition submitted.

Primary election system for the nomination of candidates for offices.

() Yes.

() No.

The color of the ballots shall be the same as is prescribed by law for ballots for a general election. The size and form of the ballots other than as herein directed, shall be prescribed by the said board of election commissioners. The votes cast at such election shall be canvassed, and returns thereof made in like manner as is provided for the canvassing of votes and the making of returns of any general election in such county or city by the terms of existing law. All candidates for circuit judge shall be selected in accordance with the provisions of this act: Provided, That all duties imposed upon city or county clerks shall in the case of judicial districts composed of more than one county be performed by the secretary of state. The provisions of this act relative to the nomination of candidates for district offices are as far as possible made applicable to the election of candidates for circuit judge. The primary election for the election of candidates for circuit judge shall be held on the first Wednesday in March prior to the election. The vote cast for candidates in judicial districts shall be counted and canvassed in the same manner as the vote cast on the election of circuit judge.

Canvass.

Circuit judges.

Proviso.

Primaries, when held.

Canvass.

Am. Id.

August primary.

Proviso.

March primary.

Proviso, cities.

(625) SEC. 16. A general primary election for all political parties shall be held in every election precinct in this state on the last Tuesday in August preceding every general November election, at which time the enrolled voters of each political party shall vote for party candidates for the office of governor, lieutenant governor and United States senator: Provided, That no nomination for the office of United States senator shall be made, unless such official is to be elected at the next session of the legislature. A general primary election for all political parties shall also be held on the first Wednesday in March prior to the spring election at which time the enrolled voters of each political party shall vote for candidates for county offices filled at the spring election; for candidates for circuit judge and for candidates for city offices in cities in which the provisions of this act are applicable: Provided, That in those cities in which the provisions of this act are applicable and in which city officers are elected at a time other than the general November election or the spring election, the primary election in such city shall be held on the third Tuesday prior to the charter election and all of the provisions of this act shall be made applicable thereto. Whenever a regular or special primary election is required by the provisions of this act to be held in any county or district it shall be held in every portion thereof regardless of whether there are any candidates for any city offices to be nominated at such

regular or special primary election: Provided, That the provisions of this act shall not apply to any city which may have or which may hereafter adopt a commission form of government or in which city officers are elected on a non-partisan ballot, except as the charter of such city may make the provisions hereof applicable. Whenever a special election shall be called to fill any vacancy in any office, the candidates for which are regularly nominated in accordance with the provisions of this act, a special primary election for all political parties shall be held in the city, county or district in which such vacancy occurs, on the tenth day prior to the date of such special election. When in any case the tenth day prior to such special election shall fall on Sunday or a legal holiday, such primary election shall be held on the day prior thereto. In the case of a special primary election, it shall be the duty of the proper board of election commissioners to prepare the necessary number of ballots for every political party participating in the last preceding regular primary election. The provisions of this act, relative to the printing, distribution, etc., of primary election ballots shall be applicable to the ballots prepared for use at a special primary election. The ballots shall be prepared in such manner that the voters of each political party may write, print or paste the name of a candidate thereon. The name of a candidate shall not be printed upon any ballots prepared for use at a special primary election. The provisions of this act shall be applicable in all particulars to special primary elections except as the contrary is indicated in this section: Provided, That it shall be unlawful for any person directly or indirectly at any regular or special primary election to distribute slips or pasters, or electioneer or induce or attempt to induce any person to vote or refrain from voting in a particular way, within any polling place or within one hundred feet thereof. It shall be lawful to call a special election for the submission of any proposition on any regular or special primary election day.

Proviso, commission form of government.

Special primary election.

Ballots.

Proviso, slips or pasters.

Am. Id.

(626) SEC. 17. In every congressional district in this state there shall be nominated at the said August primary election, by direct vote of the enrolled voters of each political party within such district, a party candidate for representative in congress. In every senatorial district in this state there shall be nominated at the said primary election, by direct vote of the enrolled voters of each political party within such district, a party candidate for state senator. In every representative district in this state there shall be nominated at the said primary election, by direct vote of the enrolled voters of each political party within such district, a party candidate or candidates as the case may be, for representative in the state legislature. In every county in this state there shall be nominated at the said primary election by direct vote

Congressmen, nomination of.

State senators.

State representatives.

County officers.

City officers.

of the enrolled voters of each political party within such county, party candidates for county offices to be voted for at the November election following. In every city of the state having a population of seventy thousand or more, there shall be nominated at said August primary election or on the first Wednesday in March preceding any April election, whenever a city or county election in said city or county is held in April, by direct vote of the enrolled voters of each political party within such city or county party candidates for ward, city or county offices. In any city in this state having a population of less than seventy thousand in which the voters have decided in accordance with the provisions of this act, in favor of direct nominations of party candidates for city offices, when such offices are to be voted for at the November election following, there shall be nominated at the said primary election by direct vote of the enrolled voters of each political party within such city, party candidates for city offices. In those instances in which the duties of two offices are combined, all nomination petitions shall include and name the two offices.

Where offices combined.

Am. Id.
See Dykstra v. Holden, 151 / 289.

Delegates to county convention.

(627) SEC. 18. There shall also be elected at the August primary, by direct vote of the enrolled voters of each political party in said county, as many delegates in each township, ward or precinct, as the case may be, as such political party in such township, ward or precinct shall be entitled to by the call issued by the county committee of such political party for the county convention thereafter to be held by such political party within said county in that year for the purpose of electing delegates to the state convention called for the purpose of nominating candidates for state offices, to be voted for at the November election. In case of any vacancy in any delegation from any election precinct, township or ward, to the county convention, such vacancy shall be filled by the delegates present from the ward or township in which the vacancy occurs. The state central committee of each political party shall, at least thirty days before the August primary herein provided for, certify to the board of election commissioners of each county and to the chairman of the county committee of such party, the number of delegates to which such county shall be entitled in the state convention of such party, and the said state central committee shall apportion such delegates to the several counties in proportion and according to the number of votes cast for the candidates of such party for secretary of state in each of said counties respectively at the last preceding November election. The name of any candidate for delegate to the county convention shall not be printed upon the official primary election ballot, but one or more of such names may be placed on such ballot by printed

Apportionment of.

Name not to be printed.

slips pasted thereon by the voter. The county committee shall in its call indicate whether delegates are to be selected by precincts or by wards. In cities in which there are no wards the delegates to which such cities are entitled shall be elected from the entire city. The chairman of the township, ward or city committee as the case may be, shall notify by mail each person elected as a delegate to the county convention: Provided, That when a primary election is not held prior to the spring election delegates to the county convention shall be selected in a convention.

Selection by
precincts, etc.

Proviso,
convention.

Am. Id.

(628) SEC. 19. It shall be the duty of the board of election commissioners of each county in this state to prepare and furnish the necessary official primary election ballots except for city offices which may be required for use by any political party at the August primary. Such ballots shall contain the name of the political party for which they are used, the voting precinct, city or township and county and the instructions as to the method of voting. Said ballots shall be printed on different colored paper for each political party, but no party ballot shall be printed on yellow paper. Ballots for the Republican party shall be printed in black ink upon a good quality of white paper. Ballots for the Democratic party shall be printed in black ink upon a good quality of blue paper. Ballots for the Prohibition party shall be printed in black ink upon a good quality of red paper, and if there are other political parties, the board of election commissioners shall print ballots therefor in black ink upon a good quality of a different colored paper from that as above designated. Ballots other than those furnished by the board of election commissioners, according to the provisions of this act, shall not be used, cast or counted in any election precinct, at any such primary election. The size of all official ballots shall be such as the said board of election commissioners shall prescribe. It shall not be lawful for the printer of such ballots or any other person to give, or deliver to, or knowingly permit to be taken, any of said ballots by any person other than the board of election commissioners for which such ballots are being printed, or to print or cause or permit to be printed any ballot in any other form than the one prescribed by this act, or with any other name thereon, or with the names misspelled, or the names or devices thereon arranged in any other way than that authorized and directed by the said board of election commissioners: Provided, That it shall and may be lawful for the chairmen of committees, and candidates named on the official ballot to procure any number of facsimiles of the ticket to be printed on yellow paper and to circulate the same for the purpose of the instruction of voters; and said colored ballot to have printed at the head the words "Instruction Primary Ballot": Provided further, That blank ballots shall be prepared for the use

Ballots, who
to prepare,
etc.

Colors.

Printing,
delivery
and
correctness.

Proviso,
instruction
ballot.

Further
proviso,
blank ballots.

of the voters of any political party or organization which had a ticket in the field at the last preceding November or spring election, regardless of whether any candidate of any such political party or organization has filed nomination petitions.

Am. Id.
See Line v. Bd. of Election Com'rs, 154 / 329.

Names in-
cluded on
ballot.

(629) SEC. 20. The said ballots so prepared by the board of election commissioners in each county shall include the names of all candidates for the particular political party for the offices of governor, lieutenant governor and United States senator, and shall include the names of all candidates for district offices, and in each county the names of all candidates for county offices. No candidate shall have his name printed upon any official primary election ballot of any political party in any voting precinct in this state, unless he shall file nomination petitions according to the provisions of this act and all other requirements of this act have been complied with in his behalf. The said ballots shall also contain as many lines as there are delegates to be elected to the county convention by the particular political party. Such lines, upon which may be placed the names of proposed delegates to the county convention, shall be printed under the title "Delegates to county conventions" and no ballot for a delegate to a county convention of any political party shall be counted unless prepared and voted under authority of this act.

Am. Id.

County
chairman,
duty of.

(630) SEC. 21. The chairman of the county committee of each political party shall certify to the board of election commissioners at least twenty-five days before the holding of such primary election, the number of delegates to which each election district of said county will be entitled at the county convention of said political party to be held in said county in said year for the purpose of electing delegates to a state convention called for the purpose of nominating party candidates for state offices. It shall be the duty of the board of election commissioners of any city having a population of seventy thousand or more, or of any city having a population of less than seventy thousand, in which the voters have adopted the provisions of this act, to prepare the necessary election ballots for use of the enrolled voters of such city. The said city board of election commissioners shall be governed by the same rules as are prescribed for the preparation of ballots by the board of election commissioners of the county. The ballots so prepared by the board of election commissioners of any city shall be separate from any other ballot.

Election
commis-
sioners,
duty of.

Separate
ballot.

Am. Id.

(631) SEC. 22. The number of ballots to be printed for the use of a political party at a primary election in any election precinct shall be at least fifty per centum more than the total number of votes cast therein at the last preceding election by such political party for secretary of state: Provided, That the number of official primary election ballots which shall be prepared for any new party shall be such number as the chairman and secretary of the city, county, district or state committee of such new party shall certify to the respective boards of election commissioners shall be necessary for use at said primary election: Provided further, That unless ballots are required for new parties in the manner herein provided, it shall be unnecessary for any board of election commissioners to prepare ballots for any such new political party even though there may be candidates who have filed nomination petitions. The official primary election ballots shall be on file at the office of the county clerk, or city clerk, as the case may be, for public inspection at least three days prior to distribution for use at the primary election.

Ballots, number to be printed.

Proviso, new party.

Further proviso.

(632) SEC. 23. It shall be the duty of the secretary of state to cause to be printed pamphlet copies of this act and to furnish to the county clerk of each county and to the city clerk of any city nominating under the provisions of this act, a sufficient number of copies thereof to enable said clerks to furnish at least two copies to each board of primary election inspectors in the particular city or county at the same time that other supplies for an election are furnished.

Pamphlet copies of act to be printed, etc.

(633) SEC. 24. The official primary election ballots shall be prepared in the following manner: There shall be printed at the top of the ballot in large type the words "Official Primary Ballot." Underneath shall be printed the date of the election at which the ballot is to be used, followed, when necessary, by the designation of the political subdivision, as county, district, city, ward, etc. Then shall follow, in bold-faced type, the name of the political party, below which shall appear this instruction: Make a cross in the square to the left of as many names for each office as are indicated under the title of such office. The ballots for such election district shall be numbered consecutively, as provided for the numbering of ballots by the general election law. All names of candidates of each political party shall be printed on a separate ballot, and said ballot shall be in one or more columns, as may be determined by the election commissioners in making up the same. The order of the offices on the ballot shall be the same, as far as may be, as is required by law in making up the ballot for a general election. The title of the office shall be immediately above the names of the candidate or candidates for such office, and under such title the words "Vote for," followed by the word "one," "two," or a word designating the number of candidates under that head to be voted for. The names of the different candidates shall be separated from each other by a light faced rule, with a square

Official primary ballots, how prepared.

Numbering.

Names, how printed, etc.

at the left of the names, and the spaces devoted to the several offices shall be separated by a black faced rule so as to separate each office division clearly. If two or more columns are used on a ballot, the columns shall be separated by a black line one-sixth of an inch wide. The names under heading designating each official position shall be alternated on the ballots of each party casting at least five per centum of the vote cast in the county or political subdivision at the preceding November election, and printed in the following manner:

Printing of
names,
alternating
of, etc.

First, The forms shall be set up with the names of such candidates arranged alphabetically, in order according to surnames. In printing each set of tickets for the several election precincts, the positions of the names shall be changed in each office division, as many times as there are candidates in the office division in which there are the most names. As nearly as possible an equal number of tickets shall be printed after each change. In making the changes of position, the printers shall take the line of type at the head of each office division and place it at the bottom of the division, and shove up the column so that the name that before was second shall be first after the change. After the ballots are printed, and before being trimmed, they shall be kept in separate piles, the one pile for each change of position, and shall then be piled by taking one from each pile and placing it upon the pile to be trimmed, the intention being that every alternate ballot in such pile shall have the names in a different position. After the pile is made in this manner, the ballots shall be numbered consecutively on the upper right hand corner upon the front of the ballot, with a perforated line across said corner, underneath the same number, so that the corner with the number can be torn off. After that the ballots shall be trimmed and done up in seal [sealed] packages and distributed for use at the primary election the same as is required by law for the distribution of ballots at the general election. The ballots shall be prepared in substantially the following form:

How num-
bered, etc.

Form.

No.....

OFFICIAL PRIMARY BALLOT.

Primary Election
Party.

Make a cross in the square [x] in front of as many names for each office as is indicated under the title of such office.

<p>NATIONAL.</p> <hr/> <p>United States Senator.</p> <p>Vote for one.</p> <hr/> <p><input type="checkbox"/> JAMES H. FLYNN.</p> <hr/> <p><input type="checkbox"/> GEORGE J. GLASIER.</p> <hr/> <p><input type="checkbox"/> FRANK H. RILEY.</p>	<p>Representatives in State Legislature. District.</p> <p>Vote for one.</p> <hr/> <p><input type="checkbox"/> OWEN DOLAN.</p> <hr/> <p><input type="checkbox"/> EDWARD GIBBONS.</p> <hr/> <p><input type="checkbox"/> RICHARD HUGHES.</p>
<hr/> <p>STATE.</p> <hr/> <p>Governor.</p> <p>Vote for one.</p> <hr/> <p><input type="checkbox"/> RICHARD ROE.</p> <hr/> <p><input type="checkbox"/> JOHN ROSWELL.</p> <hr/> <p><input type="checkbox"/> EDWARD H. SMITH.</p>	<hr/> <p>COUNTY.</p> <hr/> <p>Judge of Probate.</p> <p>Vote for one.</p> <hr/> <p><input type="checkbox"/> FRANK CAMPBELL.</p> <hr/> <p><input type="checkbox"/> CHARLES SCULLEN.</p> <hr/> <p><input type="checkbox"/> HENRY J. WILKINSON.</p>
<hr/> <p>CONGRESSIONAL.</p> <hr/> <p>Representative in Congress. District.</p> <p>Vote for one.</p> <hr/> <p><input type="checkbox"/> WILLIAM DUNNING.</p> <hr/> <p><input type="checkbox"/> JAMES MARA.</p> <hr/> <p><input type="checkbox"/> THOMAS J. WAGNER.</p>	<hr/> <p>Circuit Court Commissioners.</p> <p>Vote for two.</p> <hr/> <p><input type="checkbox"/> CLIFFORD BISHOP.</p> <hr/> <p><input type="checkbox"/> CLIFFORD CROSTIC.</p> <hr/> <p><input type="checkbox"/> HENRY ROACH.</p> <hr/> <p><input type="checkbox"/> HARRY SELSBEE.</p> <hr/> <p><input type="checkbox"/> ORR C. TRASK.</p> <hr/> <p><input type="checkbox"/> CHARLES WHITE.</p>
<hr/> <p>LEGISLATIVE.</p> <hr/> <p>State Senator. District.</p> <p>Vote for one.</p> <hr/> <p><input type="checkbox"/> WILLIAM BROWN.</p> <hr/> <p><input type="checkbox"/> CASPER DUNN.</p> <hr/> <p><input type="checkbox"/> MICHAEL J. MURRAY.</p>	<hr/> <p>Delegates to county convention.</p> <p>Vote for.....</p> <hr/> <p>.....</p> <hr/> <p>.....</p> <hr/> <p>.....</p> <hr/> <p>.....</p>

Signatures
required
for certain
officers.

(634) SEC. 25. To obtain the printing of the name of any candidate of any political party for United States senator or for governor or lieutenant governor upon the official ballots of such political party for any primary election held in this state, pursuant to the provisions of this act, there shall be filed with the secretary of state nomination petitions, signed by a number of enrolled voters residing in the state and who are enrolled in the party enrollment of said party, equal to not less than two per centum nor more than four per centum of the number of votes that such party cast for secretary of state at the last preceding November election.

District
officers.

(635) SEC. 26. To obtain the printing of the name of any candidate of any political party for any district office upon the primary election ballots of such political party in the various voting precincts of the district when such district is comprised of one county or less, there shall be filed with the county clerk of such county, nomination petitions, signed by a number of enrolled voters who are enrolled in the party enrollment of said party in said district for secretary of state at the last preceding November election and in the case of a district office, in a district comprising more than one county, to obtain the printing of the name of any candidate of any political party upon the primary election ballots of such political party in the various voting precincts of said district, there shall be filed with the secretary of state, nomination petitions, signed by a number of the enrolled voters residing in such district and who are enrolled in the party enrollment of said party, equal to not less than two per centum nor more than four per centum of the number of votes that the party cast therein for secretary of state at the last preceding November election: Provided, That when there are two or more candidates for representative in the state legislature to be nominated by each political party in a single representative district, to obtain the printing of the name of any candidate of any political party upon the primary election ballots of such political party in the various voting precincts of such district, there shall be filed with the county clerk of the county of which such district forms a part, nomination petitions signed by a number of enrolled voters residing in such district and who are enrolled in the party enrollment of said party, equal to not less than one per centum nor more than four per centum of the number of votes that the party cast in such district for secretary of state at the last preceding November election, divided by the number of representatives to which such district is entitled in the state legislature.

Proviso.

County
officers.

(636) SEC. 27. To obtain the printing of the name of any candidate of any political party for a county office upon the official primary election ballots of such political party in the various voting precincts of a county, there shall be filed with the county clerk of said county nomination petitions signed by a number of enrolled voters, who are enrolled in

the party enrollment of said party and who reside in the county, equal to not less than two per centum nor more than four per centum of the number of votes that such political party cast in such county for secretary of state at the last preceding November election. To obtain the printing of the name of any candidate of any political party for a city office including all ward offices on the official primary election ballots for use in such city, there shall be filed with the city clerk of such city such nomination petitions signed by a number of enrolled voters of such political party and who reside in such city, equal to not less than two per centum nor more than four per centum of the number of votes that such political party cast therein for secretary of state at the last preceding November election. All said nomination petitions may be signed by enrolled voters of the particular political party residing in any part of a ward for a ward office, in any part of a city for a general city office, or any part of a county for a county office, or any part of a district for a district office, or any part of the state for a state office: City officers. Petitions, who may sign. Provido, certain cities or counties. Provided, That in cities or counties of two hundred fifty thousand population or more, in lieu of the above petition, a petition therefor, signed by the candidate, which shall state the name of the candidate, his residence, street, house number and the political party of which he is a member and the office sought, shall be filed with the clerk of the county or city where said candidate resides, as herein provided. Such candidate shall at the time pay to the clerk of the city or county, as the case may be, a sum of money equal to one-half of one per centum of the salary and fees of the preceding year of such office, the amount thereof to be ascertained or estimated as nearly as may be by such clerk; and upon complying with the above provisions such candidate's name shall be printed upon the primary ballot, if otherwise qualified.

Am. 1911, Act 279.

(637) SEC. 28. To obtain the printing of the name of any candidate of a new political party for United States senator, governor or lieutenant governor on the official primary election ballot of such new political party in the various voting precincts of this state, nomination petitions signed by at least three hundred qualified voters residing in the state, shall be filed with the secretary of state. To obtain the printing of the name of any candidate of a new political party for a district, county or city office, on the official primary election ballots of such new political party in the various voting precincts of such district, county or city, as the case may be, such candidate shall file nomination petitions with the secretary of state, county clerk or city clerk, as the case may be, signed by at least twenty-five qualified electors residing in such district, county or city: New political parties. Provido. Provided, That any qualified elector, enrolled or not enrolled at all, but who resides in the particular district, county or city, as the case may be,

Further proviso, re-enrollment.

may sign the nomination petitions of any candidate representing a new political party: Provided further, That any enrolled voter may re-enroll on any primary election day as a member of a new political party and all qualified electors not enrolled with any political party may be enrolled on any primary election day as a member of a new political party.

Am. Id.

Nomination petitions, form of.

(638) SEC. 29. All nomination petitions shall be in the following form:

We, the undersigned, enrolled voters (or if a new party, qualified electors) of the party of the city of, or the township of, in the county of and state of Michigan, hereby nominate, who resides at No. street, city of, or in the township of, in the county of, as a candidate of the party for the office of, to be voted for at the primary election to be held on the day of, as representing the principles of said party, and we further declare that we intend to support the political party named herein.

Name.	Residence.	Street number (in cities having street Nos.)	Date of signing.
-------	------------	--	------------------

Electors not to sign more than one petition.

(639) SEC. 30. It shall be unlawful for any enrolled voter to sign more than one such nominating petition for the same office except where there are two or three candidates to be nominated for the same office, when he may sign as many petitions as there are persons to be elected to such office. The same rule shall apply to qualified electors in the signing of petitions of candidates of a new political party. It shall be unlawful for any candidate to wilfully and intentionally procure more names upon nomination petitions than the maximum number prescribed in this act. The various county clerks and city clerks shall prepare and keep on hand blank forms of nomination petitions for the use of the voters and candidates in said city or county. Nothing herein contained shall be construed to prohibit any candidate from having his own nomination petitions printed, but they must comply substantially with the above form. All such nomination petitions shall be open to public inspection and subject to examination after being filed in the office of secretary of state, county clerk, or city clerk, in accordance with such reasonable rules and regulations as may be prescribed by such officers. The various offices named herein shall keep a public record of the nomination petitions filed in a book for that purpose, which record shall indicate the names of the

Blank forms.

Public inspection of petitions.

candidates, the offices sought, and the dates when such nomination petitions were filed.

(640) SEC. 31. The secretary of state and the various county clerks and the city clerks of cities in which city officers are to be elected at the November election shall receive nomination petitions filed in accordance with the provisions of this act up to four o'clock, standard time, in the afternoon of the thirty-first day before the August primary, and in counties, districts and cities where district and local officers are elected at a time other than the November election, the county and city clerk thereof or the secretary of state shall receive nomination petitions filed in accordance with the provisions of this act up to four o'clock, standard time, in the afternoon of the twenty-first day before the time designated for holding a primary election in such district, county or city. The secretary of state, or county or city clerk shall forthwith prepare and publicly expose in his office a list of the candidates for offices named in the nomination petitions filed in his office, as near as may be, as they will appear upon the official primary election ballots: Provided, That if any nomination petitions contain more than the necessary percentage of names hereinbefore referred to, the excess over and above the necessary four per centum shall not be considered nor counted. The said secretary of state, or county or city clerk, shall forthwith, after the last day named herein for receiving and filing nomination petitions, certify to the proper board or boards of election commissioners in such city, county, district or in the state and to the proper county clerk, the names and postoffice addresses of all party candidates whose petitions meet the requirements of this act, together with the name of the political party and the office for which they are candidates. In case it is determined that the nomination petitions of any candidate do not comply with the requirements of this act, or if for any other cause such candidate is not entitled to have his name printed upon the official primary election ballots, it shall be the duty of the secretary of state or county or city clerk to immediately notify such candidate of such fact, together with a statement of the reasons why his name was not certified to the respective boards of election commissioners.

Petitions,
filing of.

Candidates,
list of.

Proviso.

Certification.

Deficient
petitions.

Am. 1911, Act 279.

(641) SEC. 32. All primary elections for the nomination of party candidates for office shall be held by election precincts the same as general elections are held, and the polls thereof shall be kept open in the respective precincts for the same length of time: Provided, That in any city of five thousand population or over, the polls of the primary election shall be kept open until eight o'clock p. m. standard time, and in cities having a population of two hundred thousand or more, the polls shall be kept open until ten o'clock p. m.,

Primary
elections,
how held,
etc.

Proviso,
certain cities.

Further proviso.	standard time: Provided further, That the township board of any township or the common council of any city of less than five thousand population may direct that the polls be held open until eight o'clock p. m., standard time.
Election inspectors.	(642) SEC. 33. Each primary election shall be presided over by a board of primary election inspectors, which board shall be composed of the members of the board of election inspectors provided for under the general election law. The official primary election ballots herein provided for, together with the necessary pencils, tally sheets, etc., necessary to carry on any election, shall be delivered by the board of county election commissioners to the county clerk, and by the county clerk delivered to the member of the board of primary election inspectors of each ward, township or voting precinct in the county prior to any election or any primary election day. The provisions of the general election law relative to the furnishing of ballots, tally sheets, pencils, ballot boxes, arrangement of booths, initialing of ballots, powers and duties of inspectors, manner of conducting the election, and all other matters shall be applicable hereto except insofar as the provisions thereof may be inconsistent herewith:
Election supplies.	Provided, however, That the number of persons constituting a board of primary election inspectors and the gate keepers may in the discretion of the township board or common council be reduced to such a number as may be actually necessary to properly perform the duties thereof.
Provisions applicable.	
Proviso, number of inspectors may be reduced.	

Am. 1911, Act 279.

Ballot furnished elector.	(643) SEC. 34. After the polls are open at a primary election, any elector who is legally qualified and enrolled as hereinbefore provided, shall, before entering the booth, be furnished a ballot of the political party with which he is enrolled, and no other. It shall be incumbent upon him to state to the inspector who has the ballots in charge, the party ballot he desires, which, if he is enrolled as a member of the party represented by said ballot, and if his right thereto is not challenged, shall be delivered to him forthwith. It shall be competent for any enrolled voter or primary election inspector present to challenge the right of any one offering to vote, on the ground that he is not a legal voter in that precinct, or that he belongs to a political party other than that represented by the ballot for which he has asked. When the right of any enrolled voter to a ballot is challenged he shall be required to take and subscribe an oath that he is a qualified enrolled voter and has the qualifications of a voter and that he believes in the principles of the political party represented by the ballot for which he has asked. Such oath shall be in the following form:
To state ballot desired.	
Who may challenge.	
Oath.	
Form of.	

I hereby solemnly swear (or affirm) that I am a resident and qualified elector, and possess the qualifications of a legal voter, and that I am enrolled as a member of the party, in the township of or in the

precinct of the ward of the city of
 and that I believe in the principles of the said
 party.

If the challenged voter takes and subscribes to the above oath he shall then receive the ballot for which he has asked and be entitled to vote it, the same as if his vote had not been challenged; but unless a challenged voter takes and subscribes to the above oath, he shall not be permitted to vote at such primary election. If any person who takes the foregoing oath, swears falsely, he shall upon conviction thereof, be subject to all the pains and penalties of perjury. The provisions of section three thousand five hundred twenty-two of the compiled laws of eighteen hundred ninety-seven are expressly made applicable hereto. A record shall be kept of any primary ballot cast by any voter whose right to vote has been challenged, in a similar manner to that provided in the general election law.

(644) SEC. 35. The enrolled voter after having received his ballot, shall enter a booth, and while there concealed from view prepare such ballot by making a cross in the square at the left of the names of such candidates as he may desire to vote for, but in no case for more candidates for any office than is indicated under the title of such office. He may, however, vote for any person whose name is not printed on the ballot by inserting such other name in such manner as shall make it a substitute for any name which is printed thereon or where no candidate's name appears upon the ballot. He shall then fold the ballot so that the perforated corner bearing the ballot number shall be on the outside, and present it to the proper inspector, who shall tear off the number and deposit the ballot in the ballot box. When an enrolled voter asks for a ballot the inspector shall enter his name upon the poll list, the name of the political party and the number of his ballot, before the same is given to the voter, and the inspector receiving the ballot shall, before depositing it in the box, ascertain by comparison with the poll list whether it is the same ballot given to such voter, and if it is not the same ballot he shall reject it and such voter shall not be allowed to vote at such primary election. If any enrolled voter shall, after marking his ballot, so expose it to any person as to reveal the name of any candidate voted for thereon, such ballot shall be rejected and such enrolled voter shall forfeit the right to vote at such primary election, and a brief minute of such occurrence shall be made in the enrollment book and upon the poll list opposite the name of such enrolled voter. Challengers appointed by the several political parties shall be allowed to be present with the same powers as are provided by law for general elections.

(645) SEC. 36. After the closing of the polls on the day of holding any primary election, the ballots shall be counted as provided by law for the counting of the ballots of any regular election. In counting such ballots only those candi-

When may vote.

Perjury.

Provisions applicable.

Record.

Marking of ballot.

Folding of.

Duty of inspector.

When ballot exposed.

Challengers.

Counting of ballots.

Delegates to
county con-
vention.

How
certified.

Canvass,
declaration
of result.

Proviso, vote
required to
nominate.

dates for nomination to office who have a cross made in the square at the left of their names shall be deemed to have been voted for, and any ballot upon which more candidates for any office have been voted for than may, by law, be elected to such office, shall be rejected as to all names appearing for that office. The required number of electors who received the highest number of votes for delegates to the county convention of any political party shall be declared by the board of primary election inspectors to be elected. Said board shall certify to the county clerk the names of the electors so elected as delegates, naming the political party upon whose ballots such electors were elected. Said board shall also certify to each delegate so elected, his election as such delegate. The county clerk shall certify to the chairman of the county committee of each political party of the county the delegates elected by each political party as delegates to the county convention.

(646) SEC. 37. After the votes at any primary election in any election precinct shall have been counted, the officials counting the same shall publicly declare the result, and forthwith make and certify written detailed statements, such as are required by law for general elections, except as hereinafter provided, showing the whole number of votes cast in such election precinct for each candidate voted for on each party ballot, and shall certify, subscribe and seal in a separate envelope such statements and one of the tally sheets, and write thereon the name and number of the election precinct, if any, and deliver such statements and tally sheets to such persons and at such times as are required by law for general elections. As soon as they have completed the counting of the votes of their respective precincts they shall return all the ballots voted to the ballot boxes, and all books, unused ballots, supplies, lists and subscribed oaths shall be safeguarded and returned, as near as may be, in the manner provided for by law governing general elections: Provided, That no candidate for any city, county, district or state office shall be deemed nominated and no certificate of nomination shall be given to any person whose political party with which he is enrolled casts at such primary election less than fifteen per centum of the vote cast by such political party for secretary of state at the last preceding biennial or November election; and in such case such political party shall not be entitled to have the names of any candidates printed upon the official election ballot.

Am. 1911, Act 279.

Canvass.

(647) SEC. 38. The returns of said primary election shall be canvassed and the results declared in the same manner and within the same time after the primary election and by the same officers as is provided by the general law for canvassing the returns and declaring the result in city, county, district and state elections, except that in the case of nominations for United States senator, governor, or lieutenant

governor, or officers from districts comprising more than one county, the county clerks of each county affected shall transmit to the secretary of state, within ten days after the primary election, certified copies of the number of votes received by each of the candidates for the nomination of any of the said offices. The secretary of state shall appoint a meeting of the board of state canvassers at his office not later than twenty days after the primary election, which date shall be certified to the chairman of the state central committee of each political party, for the purpose of canvassing the votes of the candidates for such office. The said board shall proceed in the same manner in canvassing the votes, certifying, recording and determining results, etc., for nomination for United States senator and governor and lieutenant governor as is done in canvassing the votes in the case of election of state officials. In canvassing the votes of candidates for members of congress, state senators and representatives of the legislature, in districts composed of more than one county, said board shall proceed in like manner as is done in the canvassing of votes cast for members of congress.

Canvassers,
meeting of.

Votes, how
canvassed.

(648) Sec. 39. The candidate of each political party for nomination for any office who receives the greatest number of votes cast for candidates for any such office as set forth in the returns or as determined by the board of canvassers on the recount by it of said ballots, shall be declared the nominee of that political party for said office at the next ensuing November election, or at the next city election, or at the next election for United States senator, as the case may be, and the board of canvassers shall forthwith certify such nominations to the respective boards of election commissioners affected thereby: Provided, That in the case of a candidate for the office of United States senator, the board of state canvassers shall forthwith certify the result of the primary election to the secretary of state, and the secretary of state shall certify said result to the next succeeding legislature on the first day of the session.

Who
declared
nominee.

Proviso,
United
States
senator, etc.

(649) Sec. 40. Any candidate voted for at any primary election provided for in this act, who conceives himself aggrieved on account of fraud or error by the board of primary election inspectors, or in the count of the votes cast, or the returns made by said board, may, on or before the close of the day or days upon which the board of city or county canvassers meet, present to and file with the chairman or secretary of the particular board of the county or city in which a recount is asked, a written or printed petition, which shall be sworn to, and shall set forth as near as may be the nature of the errors or fraud complained of, and the particular township, ward or precinct in which the alleged irregularities occurred and ask for a recount of the votes cast therein. Such petitioner shall at the same time deposit with the chairman or secretary of said board the sum of ten dollars for each and every township or ward, but the whole amount

Irregularities.

Petitioner
to make
deposit.

- shall not exceed one hundred dollars in any one county, the vote of which he requests to have recounted by said board. When said petition is filed and the amount herein prescribed is deposited, and after giving at least twenty-four hours written notice thereof to the opposing candidate by handing to such candidate a copy of the petition, or if such candidate cannot be found, by leaving such copy at his place of residence, with some person of suitable age, if such person can be found, and if not by posting it in some conspicuous place upon his last known place of residence. It shall be the duty of said board of canvassers to investigate the facts set forth in said petition and to cause the ballot boxes used in such election in such township or ward to be brought before it. The said board shall thereupon, in some public place where the interested candidates and their counsel may be present, if they so desire, proceed forthwith to open the ballot boxes from such townships or wards and to make a recount thereof as to such candidates, and make a correct and complete return in writing showing the full number of votes cast and the names of the candidates and the number of votes given to each. When the recount of each box is completed the said board shall at once return the ballots thereto, carefully lock and seal same in the manner provided by law for the locking and sealing of ballot boxes, and deliver the ballot boxes to the officer having the care and custody thereof. The returns made by the said board of canvassers upon such recount shall be deemed to be correct, anything in the previous return from such township, ward or precinct, to the contrary notwithstanding. In all cases where, by reason of such recount or recounts, the petitioner succeeds in establishing frauds or mistakes sufficient that the total changes made thereby in the territory from which he is to be nominated shall result in his nomination, the money deposited by him with each of such boards shall be refunded; otherwise it shall be turned into the treasury of the county or city, as the case may be.
- Notice to opponent.** If two or more candidates of the same political party be tied for the same office, the tie shall be determined by lot to be cast then and there, as the canvassing board may direct.
- Canvassers, board of, when to open ballot boxes.** The power of the board of state canvassers, upon a recount, extends only to a recount of the ballots in the ballot boxes brought before them, and they have no power to compare the enrollment lists with the poll lists and draw from the box as many ballots as the comparison shows were cast by unenrolled voters.—Bradley v. State Canvassers, 154/274. As to proceedings in case of a recount in a precinct where voting machines are used, see Line v. Election Canvassers, 154/330.
- Returns, when deemed correct.**
- Tie vote.**
- Names printed on ballot.** (650) SEC. 41. The several boards of election commissioners shall cause to be printed upon the official election ballots to be used at the November or April election, or at the city election, as the case may be, the names of the candidates for offices selected under the provisions of this act: Provided, That when any candidate shall die or shall withdraw as such candidate before the printing of the ballots, after having been nominated as herein provided, the proper
- Proviso, vacancies.**

board of election commissioners shall cause to be printed or placed upon such ballot in place of the name of such candidate or to fill such vacancy, the name of the candidate which shall be selected by the proper party committee as shown by the certificate of its chairman and secretary, in the manner provided for in the general election law; and for this purpose, in a county comprising a single representative or senatorial or congressional district, the county committee of each political party of each such county shall constitute the representative or senatorial or congressional committee of said political party for such representative or senatorial or congressional district, as the case may be; and in a county comprising more than one representative or senatorial or congressional district the members of the county committee of each political party, residing in each such representative, senatorial or congressional district of such county, shall constitute a committee of said political party for such representative or senatorial or congressional district, as the case may be, and such committee shall elect its chairman and other officers; and in representative or senatorial or congressional or judicial districts comprised of more than one county, the county committee provided for in this act, of each political party of each county of such representative or senatorial or congressional or judicial district, or the members of the county committee representing that portion of any county forming part of such representative or senatorial or congressional or judicial district, as the case may be, shall elect one or more electors of said political party, residing within the district that he is to represent, as a member of the committee of such political party for such district: Provided, That the party nominee or nominees, if more than one from the same district, shall have the privilege, if he or they so elect, of naming the committee of the political party for the district from which he or they have been nominated. Such committee shall elect a chairman and other officers of which the chairman shall have a vote on all questions. The candidates for county officers nominated at each August primary of each political party shall within ten days after the said primary election, meet at a time and place to be fixed by the then chairman of the county committee and elect a chairman and secretary of the county committee who shall hold such position for a period of two years and until their successors are selected. When such death or withdrawal shall occur subsequent to the printing of the official ballots, it shall be the duty of said board of election commissioners, if time permits, to forward the various election inspectors slips containing the name of the candidate entitled to fill the vacancy caused by such death, or withdrawal slips shall be pasted in the proper place upon the official ballot by the board of election inspectors. If in any case a person is nominated for any office by more than one political party, it shall be his duty to elect within five days after the official canvass

Committees,
how con-
stituted.

Proviso,
when
nominee may
name com-
mittee.

Death or
withdrawal.

Nomination
by more than
one party.

of the returns of said primary election upon which ticket he wishes his name to appear, and unless such election is made such candidate's name shall not be printed on any ballot: Provided, That in case of the death or withdrawal of any candidate as hereinbefore mentioned, or in case a candidate is nominated for any office by more than one political party, and such vacancy shall not be filled by the proper committee within five days from the time of its occurrence, the board of election commissioners shall print on said official ballot, in place of the candidate who has died, withdrawn or elected to have his name appear upon another party ticket, the name of the person who received the next highest vote at the primary for that office on such party ticket: Provided further, That all votes cast for any candidate upon the ballots of one political party, when such candidate is enrolled as a member of another party, shall not be counted; and it shall be unlawful for the board of election commissioners to print a candidate's name on the ballots of more than one political party: Provided further, That it shall be unlawful for any board of election commissioners to print on any official election ballot prepared for the use of voters at any November, spring, charter or other election the name of any candidate, unless such candidate was selected under authority of this act and this prohibition shall operate against any candidate selected in any mass convention or by any so-called independent voters at any caucus or convention. The candidates for county or city offices, in cities having a population of less than seventy thousand, the voters of which have not adopted the provisions of this act, shall be nominated in convention and the names of such candidates certified to the proper board of election commissioners and placed upon the official ballots in the manner provided for by existing law.

Am. 1911, Act 279.

(651) SEC. 42. The county conventions of all political parties for the election of delegates to a state convention for the nomination of state officers shall be held within fifteen days after the March and August primaries. All such county conventions of any one political party shall be held on the same day throughout the state, which day shall be designated by the state central committee of such political party in its call for the state convention to nominate candidates for state offices. The time and place of meeting of such county convention shall be designated in the call issued therefor by the respective county committees of such political party. The number of delegates to which such political party in such county is entitled shall be chosen at such county convention. The county committee except chairman and secretary shall be chosen by each political party at each county convention held after each August primary.

Am. Id.

(652) SEC. 43. The state convention of all political parties for the nomination of candidates for state offices and the selection of members of the state central committee shall be held within forty days after the August primary and within fifteen days after the March primary, but not less than ten days after the day appointed for the meeting of the board of state canvassers for the purpose of canvassing the primary election returns mentioned in this act. The particular day and the time and place of meeting shall be designated by the state central committees of the various political parties in the calls for said state conventions, which calls shall be issued at least thirty days prior to the August and March primaries.

State convention, when held.

Calls for.

Am. Id.

(653) SEC. 44. Whenever the voters of any city of less than seventy thousand population shall decide to select party candidates pursuant to the provisions of this act, the petitions for submission or resubmission of the question itself, the nomination of candidates, the printing of ballots, the conducting of the primary, and any other provisions for city nominations shall be governed, insofar as applicable, by the provisions of this act relative to the nomination of party candidates for district offices: Provided, That in any city of more than seventy thousand population the nomination of candidates for city offices by all parties shall be by direct vote, and in cities of less than seventy thousand population where any political party is now nominating its candidates for city offices by the direct voting system provided for in this act or some former act, every political party in such city shall hereafter so nominate its candidates, unless the qualified voters of such city shall decide otherwise, according to the provisions of this act. The primary election in cities having adopted the direct voting system for the nomination of candidates for city offices to be voted for on the first Monday of April provided for in this act shall be held on the first Wednesday of March preceding such April election. All primary elections held in this state shall be governed by and conducted in accordance with the provisions of this act.

When certain cities desire to adopt primary or resubmit.

Proviso, where direct voting required.

All primary elections governed by this act.

Am. Id.

(654) SEC. 45. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers, or promises any money or valuable consideration, or promises or endeavors to procure any money or valuable consideration or office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce or have such person induce any voter to vote for or refrain from voting for, or support or oppose any candidate, or on account of such voter having voted or refrained from voting at any primary election in this state; every person who by

Misdemeanors, what deemed.

any means receives, agrees or contracts for any money, gift, fee, loan or valuable consideration, office, place, appointment or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting in a particular manner at any such primary election; or for inducing, or undertaking to induce any other person to vote in a particular manner, or to do or perform any of the acts or things forbidden by this act, or on account of doing or agreeing to do, or having done any campaign work, electioneering, soliciting votes for such candidates on primary day or prior thereto, or who after any primary election in this state, directly or indirectly, by himself or by any other person in his behalf, gives or receives any money or valuable consideration or place, position or employment on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such primary election; or having induced or undertaken to induce any other person to vote in a particular manner or for any particular candidate at any such primary election, or on account of any person having done or been a party to doing anything forbidden by this act, it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto; also every person who in behalf of any firm, partnership, association or corporation, gives, lends or receives, or agrees to give, lend or receive, or offers or promises any money or valuable consideration, place, position or employment, or promises or endeavors to procure any money or valuable consideration, in order to aid or promote the nomination of any particular candidate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment in the discretion of the court.

Penalty.

Soliciting
votes, etc.

(655) SEC. 46. Any person who shall, while the polls are open, at any polling place on any primary day, solicit votes in the said polling place, or within one hundred feet thereof; any person who shall offer or give to any other person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person who shall violate any of the requirements or provisions of this act for which a penalty is not herein otherwise provided; any person who shall refuse or neglect to perform any duty enjoined upon him thereby; and any member of any primary election board who shall neglect or refuse to comply with any provision of this act upon demand of any elector or police or peace officer so to do, and any person who shall vote or attempt to vote more than once, or in more than one election district at the same primary election, and any person who shall vote at any primary election or enroll for the purpose of voting thereat, or attempt to so vote or enroll when he is not legally entitled to

so vote or enroll, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to the punishment prescribed in the preceding section, and it is hereby made the duty of any police or other peace officer present and having knowledge of any violation of any of the provisions of this section to forthwith institute criminal proceedings for the punishment of such offender.

(656) SEC. 47. It shall be unlawful for any candidate for nomination under the provisions of this act, after the date on which he has announced himself a candidate for any office included within the provisions of this act, or after he has filed his petition to have his name placed upon the primary ballot, and before the close of the polls of such primary on primary day, directly or indirectly, by himself or by any other person, to post, pay for posting, or cause to be posted upon or in any building, or upon any tree, post, fence, bill board, telegraph or telephone pole, vehicle or other object within the territory where he is a candidate, any campaign card, banner, hand bill, poster, lithograph, half-tone engraving, photograph or other likeness of himself, or other advertising matter used, or intended for the purpose of advertising or advancing his candidacy for office.

Campaign card, etc., unlawful to post.

(657) SEC. 48. It shall be unlawful for any person, after he has declared himself a candidate for any office included in the provisions of this act or filed his primary petition therefor as herein provided, and before the close of the polls on primary day, for the purpose of promoting his candidacy therefor, or for use in his campaign for such office, directly or indirectly, to print or cause to be printed, pay or cause to be paid for printing, circulate or distribute, or cause to be circulated or distributed, any campaign cards, hand bill, banner, poster or other advertising matter larger than two and one-fourth inches in width by four inches in length, except postal cards and letters, or which contains any lithograph, half-tone engraving, photograph or other likeness of himself, which likeness is larger than one and one-half inches in width by two inches in height, excepting advertisements in newspapers as hereinafter provided, or to publish or cause to be published, pay for publishing, or cause to be paid for publishing, any printed matter whatsoever, or any lithograph, half-tone engraving or other likeness of himself, or any other political advertisement of any kind or nature whatsoever which is intended, published or manufactured for the purpose of promoting or advancing his candidacy for such office, or influencing voters relative to his said candidacy in or upon any magazine, program, bill of fare, ticket for any ball or other entertainment, or upon or in any other substance or publication whatsoever, except in a daily, weekly or monthly newspaper which has been regularly and bona fide published and circulated for at least three months before such advertisement is to be inserted therein. It shall be unlawful for any other person to do or perform for or on behalf of any such

Idem.

Postal cards, etc.

candidate or to help or injure the candidacy of any candidate, any of the acts or things which it is by this act made unlawful for such candidate to do.

Money, etc.,
soliciting of.

(658) SEC. 49. It shall be unlawful for any person to solicit from any candidate for nomination for any office included in the provisions hereof, any money or other property. The provisions of this section shall not apply to requests for contributions of money by or to an authorized representative of the political party committee of the organization to which such candidate belongs, and shall not apply to any regular business transaction between any such candidate and any other person, which is not intended for or connected with the securing of votes or the influencing of voters in connection with such nomination.

Lithograph,
etc., unlawful
to publish.

(659) SEC. 50. It shall be unlawful for any candidate for nomination for any office included in the provisions of this act, or any other person on his behalf, for the purpose of helping his candidacy for such office, directly or indirectly to pay for publishing or cause to be inserted or published in any newspaper any lithograph, half-tone engraving or other likeness of such candidate larger than one and one-half inches in width by two inches in height or any advertisement in which more than ten per centum of the printed matter is printed in a larger type than the regular type used in printing the editorials of such newspaper, excepting therefrom the name of such candidate and the title of the office for which he is a candidate, and no such candidate shall pay for, or, directly or indirectly, cause any advertisement or any likeness of himself to be inserted or published in any such newspaper which charges or demands from him a higher rate therefor than the highest regular rate which such newspaper charges other persons or firms for non-political advertisements for the same space, position and number of insertions, and all candidates shall exercise reasonable diligence to ascertain what such regular advertising rate is before inserting any such advertisement, and if he shall be misinformed as to such rate he shall not be held responsible under the provisions of this act for such illegal publication. It shall be unlawful for any person, firm or corporation or employe thereof, soliciting or receiving any such advertisements or printed matter for any such newspaper from any such candidate, to misinform any such candidate as to such advertising rates.

Treating
unlawful.

(660) SEC. 51. It shall be unlawful for any candidate for nomination under the provisions of this act, after he has announced himself as a candidate for any office included in this act, or after he has filed his petition to have his name placed upon the primary ballot as herein provided, and before the close of the polls on any primary day, in any store, saloon, hotel, hall or other public building, public street or place within the territory from which he seeks a nomination, directly or indirectly to buy or give to, or cause to be bought for, or given to, any elector residing therein any spirituous,

malt, brewed, fermented or other intoxicating liquor or beverage. It shall be unlawful for any person for or on behalf of any such candidate, or to help or injure the candidacy of any candidate, in any of the places included in this section, to buy for, give to, or cause to be bought for or given to any elector, any of the liquors or beverages included in this section for the purpose of influencing the vote or support of such elector for or against any such candidate, or when it is announced or made known in any way to any such elector before or after such beverage is served that the same are given or served for the purpose of assisting or injuring the candidacy of any candidate, or influencing the action of such elector in relation thereto, it being the intent of this section to prohibit the prevailing custom of treating by candidates for nomination for public office or by any other person on behalf of such candidates.

(661) SEC. 52. Any person who shall do or perform any act or thing which is by this act made unlawful for him to do, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment not exceeding six months, or both, in the discretion of the court.

Misdemeanor.

Penalty.

(662) SEC. 53. When by this act any act or duty is required to be done or performed by or under the direction, supervision or authority of any officer, and such act or duty shall not be done or performed, then the officer who shall neglect to perform such act or duty, or who shall be responsible for such neglect, shall be guilty of a misdemeanor and shall be punished as provided in section fifty-five hereof.

Penalty for neglect of duty.

(663) SEC. 54. No prosecution for any offense mentioned in this act shall be maintained unless it shall be commenced within six months after the date of the primary election in connection with which the offense is alleged to have been committed. Neither the complaining witness, nor any other person who may be called to testify in behalf of the people in any such proceeding, shall be liable to criminal prosecution under this act for any offense in respect to which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Prosecution.

(664) SEC. 55. It shall be the duty of the county clerk of each county to cause to be printed large cards or posters containing verbatim the whole of sections thirty-four and forty-six of this act, and shall furnish two of the same to the board of primary election inspectors of each election precinct in his county at the same time that the official ballots for use at primary elections are delivered, and the board of primary election inspectors shall cause the said posters to be posted in conspicuous places in the polling places so that the same can be plainly seen and read by all persons at any primary election. It shall be the duty of the clerk of any city, township or village in which this act is operative to deliver to the board of primary election inspectors of each

Duty of clerk.

City clerks, etc., duty of.

election precinct within his jurisdiction, before the time for opening of the polls on primary election day, and on all enrollment days, the register of electors and the party enrollment book, and the blanks for poll lists and returns and any other supplies necessary to carry out the provisions of this act not herein otherwise provided for.

Election day,
what deemed.

(665) SEC. 56. The day on which any primary election shall be held pursuant to the provisions of this act, shall be deemed to be an election day in any city, county or district where such primary election is held within the meaning of section seventeen of act number three hundred thirteen of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors, and vinous liquors in this state, and to repeal all acts and parts of acts inconsistent with the provisions of this act:" Provided, That such primary election day shall not be deemed an election day or a holiday for any purpose except as indicated in this section.

Proviso.

Am. 1911, Act 279.

Acts repealed.

(666) SEC. 57. Act number four of the public acts of the extra session of nineteen hundred seven, entitled "An act relative to the nomination of party candidates for public office and delegates to political conventions, to regulate primary elections and to prescribe penalties for violations of its provisions," and all local primary election acts or other acts contravening the provisions of this act are hereby repealed.

Am. Id.

APPENDIX.

APPENDIX.

PROVISIONS OF THE CONSTITUTION OF THE UNITED STATES APPLICABLE TO ELECTIONS IN THE STATES, AND LAWS IN RELATION TO THE NATURALIZATION OF ALIENS.

CONSTITUTIONAL PROVISIONS.

ARTICLE I.

SECTION I.

1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives. Legislative power.

SECTION II.

1. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature. House of representatives, and qualifications of electors.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen. Of representatives.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies. Vacancies.

SECTION III.

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote. Senate, each senator a vote.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not when elected, be an inhabitant of that state for which he shall be chosen. Qualifications of senators.

SECTION IV.

Elections,
how regu-
lated.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law, make or alter such regulations, except as to the places of choosing senators.

ARTICLE II.

SECTION I.

Executive
power.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected, as follows:

Electors of
president and
vice president.

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Time of choos-
ing electors.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications
for president.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

ARTICLE V.

Amending
constitution.

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress: Provided, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE XII.

PROPOSED AT THE FIRST SESSION OF THE EIGHTH CONGRESS.

1. The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves, they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But, in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

Mode of electing president and vice president of the United States—choosing president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

Vice president.

3. But no person constitutionally ineligible to the office of president shall be eligible to that of vice president of the United States.

Qualification.

ARTICLE XIV.

PROPOSED AT THE FIRST SESSION OF THE THIRTY-NINTH CONGRESS.

Who are citizens.

Immunities of citizens.

Apportionment of representatives.

Basis of representation.

Conditional prohibition to hold certain offices.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

3. No person shall be a senator or representative in congress, or elector of president and vice president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

ARTICLE XV.

PROPOSED AT THE FIRST SESSION OF THE FORTY-FIRST CONGRESS.

Right of suffrage.

Power of congress.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

2. The congress shall have power to enforce this article by appropriate legislation.

NATURALIZATION OF ALIENS.

An Act to establish a bureau of immigration and naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

[Extract from Act of Congress, approved June 29, 1906.]

SEC. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing, or which may hereafter be established by congress in any state, United States district courts for the territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any state or territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, state, territorial, and federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

SEC. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: Provided, however, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth;

the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: Provided, That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the state, territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the state or territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.

SEC. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

SEC. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: Provided, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

SEC. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, neces-

sity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

SEC. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: Provided, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: And provided further, That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: Provided further, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

SEC. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

SEC. 10. That in case the petitioner has not resided in the state, territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the state, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

SEC. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

SEC. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the

final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

SEC. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final dis-

charge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: Provided, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings. And in case the clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance.

SEC. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

SEC. 15. That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the state or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceedings to authorize the cancellation of his certificate of citizenship as fraudulent, and the

diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

Sections 16 and 17 repealed. These sections, which made punishable forging, etc., certificates of citizenship, and engraving, etc., plates for counterfeiting such certificates, and other offenses in connection therewith, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909.

SEC. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court.

Section 19 repealed. This section, which made punishable the having possession of any blank certificate of citizenship with intent to unlawfully use the same, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909.

SEC. 20. That any clerk or other officer of a court having power under this act to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both.

SEC. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization

proceedings, or to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

SEC. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years.

SEC. 23. That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

SEC. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime.

SEC. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this act shall go into effect, the existing naturalization laws shall remain in full force and effect.

SEC. 26. That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three, of the revised statutes of the United States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SEC. 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I,, aged years, occupation, do declare on oath (affirm) that my personal description is: Color, complexion, height, weight, color of hair, color of eyes,, other visible distinctive marks; I was born in on the day of, anno Domini; I now reside at; I emigrated to the United States of America from on the vessel; my last foreign residence was It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to, of which I am now a citizen (subject); I arrived at the (port) of, in the State (Territory or District) of on or about the day of anno Domini; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant)

Subscribed and sworn to (affirmed) before me this day of, anno Domini

[L. S.]

.....
(Official character of attestor.)

PETITION FOR NATURALIZATION.

..... Court of

In the matter of the petition of to be admitted as a citizen of the United States of America.

To the Court:

The petition of respectfully shows:

First. My full name is

Second. My place of residence is number street, city of, State (Territory or District) of

Third. My occupation is

Fourth. I was born on the day of at

Fifth. I emigrated to the United States from, on or about the day of, anno Domini, and arrived at the port of, in the United States, on the vessel

Sixth. I declared my intention to become a citizen of the United States on the day of at, in the court of

Seventh. I am .. married. My wife's name is She was born in and now resides at I have children, and the name, date, and place of birth and place of residence of each of said children is as follows:;;

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and for

ever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since, anno Domini, and in the State (Territory or District) of for one year at least next preceding the date of this petition, to wit, since day of, anno Domini.....

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the court of at, and the said petition was denied by the said court for the following reasons and causes, to wit,....., and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated

(Signature of petitioner)

....., ss:

....., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this day of, anno Domini

[L. S.]

.....,
Clerk of the Court.

AFFIDAVIT OF WITNESSES.

..... Court of

In the matter of the petition of to be admitted a citizen of the United States of America.

....., ss:

....., occupation, residing at, and, occupation, residing at, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known....., the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of..... years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the

United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this day of, nineteen hundred and

[L. s.]

(Official character of attestor.)

CERTIFICATE OF NATURALIZATION.

Number

Petition, volume, page

Stub, volume, page

(Signature of holder)

Description of holder: Age,; height,; color; complexion,; color of eyes,; color of hair,; visible distinguishing marks, Name, age, and place of residence of wife,, Names, ages, and places of residence of minor children,,;,;, ss:

Be it remembered, that at a term of the court of, held at on the day of, in the year of our Lord nineteen hundred and,, who previous to his (her) naturalization was a citizen or subject of, at present residing at number street, city (town), State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this state for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that .. he was entitled to be so admitted, it was thereupon ordered by the said court that ..he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the day of, in the year of our Lord nineteen hundred and, and of our independence the

[L. s.]

(Official character of attestor.)

STUB OF CERTIFICATE OF NATURALIZATION.

No. of certificate,

Name; age,

Declaration of intention, volume, page

Petition, volume, page

Name, age, and place of residence of wife,,, Names,
 ages, and places of residence of minor children,,,
,,,,,,,,,,

Date of order, volume, page

(Signature of holder)

SEC. 28. That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act and in all cases in which the originals thereof might be admissible as evidence.

SEC. 30. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any state or organized territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

An Act to validate certain certificates of naturalization.

[Extract from Act of Congress, approved June 29, 1906.]

That naturalization certificates issued after the act approved March third, nineteen hundred and three, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of section thirty-nine of said act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section: Provided, That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said act of nineteen hundred and three, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

INDEX TO
GENERAL ELECTION LAWS.

The Index to the Primary Election Law Immediately Follows.

INDEX.

TO GENERAL ELECTION LAWS.

(References are to Compiler's Sections.)

	Sections.
A.	
ADJOURNMENT:	
noon, of the polls in townships, proclamation, etc.....	143, 182
of polling places	177
of board of state canvassers.....	216
from day to day by county canvassers.....	239
final, of township board of canvassers subject to recall.....	252
of annual township meetings, proceedings, notice of, etc.....	303-5
ALDERMEN:	
to constitute board of registration in cities.....	84, 486-91
to act as inspectors of election.....	139, 518
when two, at large may be elected in fourth class cities, term of office.....	493
number of, elected at first election in cities of fourth class.....	496
ALIENS:	
naturalization of, see appendix.	
AMENDMENTS:	
and revision of constitution, how made.....	77-80
constitutional, secretary of state to certify to submission.....	151
how voted for, etc.....	183
ballots, how printed, voted, etc.....	183
canvass of votes on.....	192
canvass of votes by state board on constitutional.....	212-13
to constitution to be published with laws.....	214
duty of secretary of state as to publicity of proposed constitutional, etc....	583
ANNUAL CITY ELECTION:	
in fourth class cities, notices, canvass, return, etc.....	511-26
ANNUAL MEETING:	
applied to townships, how construed.....	83
ANNUAL TOWNSHIP MEETING (see township meeting and April election).	
APPEAL:	
when candidate may, to circuit court for examination, etc., of returns.....	252
APPOINTEE OFFICERS:	
by the governor, etc., resignations of, when made.....	440
APPOINTMENTS:	
members of legislature not to receive civil.....	15
of election inspectors in townships having more than two districts, by whom.....	267
of election inspectors in village, when notice given.....	270
temporary, to fill vacancy in certain offices by town board.....	348
of person to fill vacancy in office of county treasurer, by whom.....	406
in office of register of deeds, when and by whom.....	414
of prosecuting attorney by governor.....	418
to fill vacancy in office of county commissioner of schools, by whom.....	430
officers by, resignations of, how and to whom made.....	440
vacancies in certain state offices filled by, by whom.....	452
of county officers to fill vacancy, by whom.....	453
of certain officers in cities of fourth class, by whom and when made.....	494-5
term of officers holding office by, in cities of fourth class.....	498
APPORTIONMENT:	
of state representatives, ratio, etc.....	585
of state into thirty-two senatorial districts.....	586
APPROVAL OF BONDS:	
of county officers, by board of supervisors.....	439
APRIL ELECTIONS (see also township meetings).	
officers elected at, in townships.....	296
county commissioner of schools to be elected at.....	428
circuit judges, election of, canvass of votes, term, etc.....	454-61
regents of university, elected at, canvass of votes, etc.....	462-5
members of state board of education elected at.....	466
superintendent of public instruction elected at.....	467
justices of supreme court elected at, canvass, etc.....	468-75
in fourth class cities, inspectors, proceedings, canvass, etc.....	511-26

ARREST:	Sections.
of person leaving room with ballot or pencil.....	183
of person offending against elections, who to cause.....	375
ASSESSOR:	
in city, to act as inspector of election.....	139
ASSISTANCE:	
of voter in preparation of ballot.....	158
where voting machines are used.....	564
ATTORNEY GENERAL:	
vacancy in office of, how filled.....	452
to draft forms, etc., for use at local option elections.....	606
AUDITOR GENERAL:	
when to act as member, board of state canvassers.....	201
vacancy in office of, how filled.....	452
B.	
BALLOTS:	
number of, to be prepared by election commissioners.....	147
proof copy of, when placed on inspection.....	149, 229
form of, perforation of, etc.....	152, 824
arrangement of names on.....	152
duty of printer, as to printing, delivery, etc.....	154
package containing, to be sealed, certified, and receipted for upon delivery.....	156
how and when opened.....	159
initialing of.....	159
how marked by voter, folding of.....	163
by whom and where distributed, to have initials, etc.....	167
assistance of voter in preparation of.....	169
unused and spoiled, to be preserved, etc.....	171-2
canvass of, result, how declared, statement, etc.....	173, 175
to be placed in box, sealed, etc.....	174
limit of time in booth while preparing.....	179
constitutional amendments, to be separate, how marked, etc.....	183
and poll lists to be delivered to city clerk.....	184
duty of inspectors upon receipt of, of challenged voter.....	231-2
when may be produced in court.....	233
proceedings for making recount of.....	252
after recount to be sealed up, to whom returned.....	257
to be counted and compared with poll list.....	331
in cities of fourth class, preparing of, etc.....	522
for local option election, form of, who to furnish.....	594
BALLOT BOXES:	
who to provide, where kept, lock and key for.....	144-5
when marked ballot deposited in.....	163
to whom delivered.....	165, 174
how sealed, care of key, etc., returning and opening of.....	165-6
opening of, and canvass of votes.....	173
separate, for votes on constitutional amendments, how marked.....	183
when may be produced in court.....	233
when may be opened by county canvassers.....	239
penalty for violation of, breaking into, etc.....	252, 373
used in election district, where deposited.....	266, 271
common council may provide, for city primaries.....	284
how constructed, kept and disposed of at town meetings.....	323
in cities of fourth class, by whom kept, etc.....	515
village council to provide.....	536
BALLOT CLERKS:	
may be dispensed with in election districts using voting machines.....	555
BALLOT LABELS:	
providing, for voting machines.....	551
BANKING LAW:	
votes on, how canvassed and returned.....	103, 212-13
BETTING:	
on elections, penalty, proviso as to fine.....	377-9
BOARD OF COUNTY CANVASSERS:	
in certain counties, to be board of election commissioners.....	148
statements of election forwarded by registered mail to.....	175
duties of.....	185-93
duty of, in case of tie vote.....	188
to make duplicate statement of district canvass.....	189
canvass of votes by, on amendments.....	192
who to constitute, in Wayne county.....	236
election, powers and duties.....	236-48
term of office of, oath, etc.....	237
when to meet and organize.....	238
proceedings of, in making canvass.....	239
to make statement of result of count.....	239
proceedings of, in case of tie vote.....	240
penalty for violation of act.....	244
duties of, in case of recount.....	245-8
special canvass by, for state senator or representative.....	249
duty of, as to investigation, etc., of frauds, etc., made by inspectors.....	252
canvass of votes by, for circuit judge and regents.....	459, 465
for supreme court justices.....	368

BOARD OF DISTRICT CANVASSERS:	Sections.
statement of votes by, what to contain.....	186
duty of, in case of tie vote.....	188
who to constitute, powers and duties.....	194-9
when and where to meet and make canvass.....	196
manner of determining person elected.....	198-9
to certify names of persons elected.....	199
to publish result of canvass.....	199
BOARD OF EDUCATION (see state board of education).	
BOARD OF ELECTION COMMISSIONERS:	
county, members of, duties, etc.....	147-8
unlawful for, to cause name printed in more than one column on ballot....	148
exception as to judge in 10th judicial circuit.....	148
duty of, to correct errors in proof copy of ballot.....	149
to furnish pencils, etc., for each voting precinct.....	155
chairman of, to certify number of ballots in package, etc.....	156
when may designate elector ballots may be delivered to.....	157
duty of, as to printing, etc., of ballots for constitutional amendments.....	183
township board to constitute township, duties of.....	228
city, who to constitute, duties of.....	228
village, who to constitute, duties of.....	288, 536
when political committees to furnish, with names of candidates.....	229
in fourth class cities, appointment, duties, etc.....	521-22
duties of, as to voting machines, names of nominees, instructions to voters, etc.....	550
BOARD OF ELECTION INSPECTORS (see inspectors of election).	
BOARD OF REGISTRATION:	
who to constitute, for cities and townships.....	84
in cities, meetings of, powers and duties.....	86-90
in townships, who to constitute, etc.....	92
sessions of, when held, powers and duties.....	95
to review and correct lists.....	101
in new villages, duty of.....	105
compensation of members of.....	110, 272, 354
in Wayne county, who to make re-registration.....	113
when, in session.....	113
election inspectors to constitute, in new townships.....	114
when to meet.....	115
in new townships, organization of, etc.....	117-19
not to meet where intoxicating liquors are sold.....	120
penalty for violation.....	121
duties of, as to registration of electors in districts.....	265
membership, how constituted.....	265
in fourth class cities, duties, re-registration, new wards, compensa- tion, etc.....	486-91
BOARD OF STATE CANVASSERS:	
who to constitute, duties of, etc.....	34, 201
powers and duties of.....	201-13
secretary of state to appoint time of meeting of.....	205
statement of, what to show.....	206-7
when to canvass votes for presidential electors.....	210
may adjourn from day to day.....	216
canvass by, for circuit judges.....	460
for regents of university.....	465
for justices of supreme court.....	475
BOARD OF SUPERVISORS:	
duties of, as to dividing county into representative districts.....	11
when special elections to be ordered by.....	126, 135
to elect board of county canvassers.....	236
duty as to first election in new township.....	369
may select person to fill office of county treasurer in case of vacancy, etc....	406
removal and appointment of county officers by.....	453
when may authorize the use of voting machines.....	576-80
duty of, relative to local option elections.....	588-606
BOND:	
of justice of the peace, where filed.....	299
penalty for certain township officers neglecting to file.....	344
county treasurer to give.....	405
county clerk to give, amount of and by whom approved.....	409
of sheriff.....	411
of coroners.....	412
of register of deeds.....	413
of county surveyor.....	415
when certain county officers to give, with whom filed.....	417
of circuit court commissioner.....	425
county commissioner of schools.....	428
county drain commissioner to execute and file.....	431
of county mine inspector.....	437
approval of county officers, by supervisors.....	439
when probate or circuit judge may approve.....	439
officers in cities of fourth class to give, by whom examined, with whom filed..	502-4

BOOTHES:	Sections.
pencils, etc., to be furnished for each.....	155-6, 159
admittance of voters to, in the order in which they apply.....	158
to be erected in voting room, number of and specifications for.....	158
elector to mark and fold ballot in.....	163
marking of ballot of physically incapable person to be done in.....	169
limit of time elector may remain in.....	179
for primaries in cities, who to provide, notices, etc.....	277
voting machine, assisted elector to be left alone in.....	564
BRIBERY:	
penalty for attempted, of elector.....	371
who deemed guilty of.....	380, 382
C.	
CANDIDATES:	
not to act as inspector of election.....	139
name of, nominated by two or more parties, unlawful to be printed in more than one column on ballot.....	148
exceptions as to circuit judge of 10th judicial circuit.....	148
names of, and vignette adopted, to be sent to chairman.....	148
order of placement of, on ballot for November and April elections.....	152
in case of death, removal or withdrawal of.....	153
unlawful to influence voter to vote for or against.....	170, 180
names of, when and by whom given to commissioners.....	229
contesting election, to file petition for recount of ballots and make deposit.....	245, 257
to be notified of recount by county canvassers.....	246
filing petition for recount to make deposit, etc., when may appeal to circuit court.....	252
"primaries" for choosing, for office, in cities, how construed, etc.....	274
at city primaries, unlawful to solicit money from, influence voter, etc.....	285-6
at convention, unlawful for delegate to solicit money, etc.....	288
legitimate election expenses of.....	381
not to provide refreshment for corrupting voter, penalty.....	383
election of, who commits bribery, void.....	386
penalty for offering reward, etc., to support.....	400-2
in fourth class cities, in case of tie vote for.....	524
primary election law for nomination of.....	610-66
CANVASS OF VOTES:	
how conducted, what ballots void, etc.....	173
result of, how declared, statement, etc.....	175
on constitutional amendments.....	183, 192, 212-13
for state and county officers.....	185
who to constitute board for district.....	194
when and where district canvassers to meet for.....	196
state, when and how made.....	206-13
for presidential electors, when made.....	210
method of, by board of county canvassers.....	239
petition of candidate, in alleged fraud or error in.....	245
special, for state senator or representative to fill vacancy.....	249
proceedings for correction of frauds, etc., in, etc., made by inspectors.....	252
in district, how and by whom performed.....	266-7
at township elections.....	330-3
at primaries, penalty for inspectors making false.....	392
for circuit judge, how conducted, etc.....	458-9
for regents of university.....	464-5
for justices of supreme court, state and county.....	473-5
in fourth class cities, how conducted.....	522
at village election, law governing.....	539
number of pamphlets showing result of, at April election, by whom printed..	582
at local option election, statements, where filed.....	596
CANVASSERS (see board of county canvassers; board of district canvassers; board of state canvassers).	
CANVASSERS' STATEMENTS:	
how made up, certified, where filed.....	187
CAUCUS:	
or primaries in cities, act relative to.....	274-95
punishment for offenses at.....	389-97
CERTIFICATE:	
of election, county clerk to make and deliver.....	190
of determination by state board of canvassers.....	208
candidate not receiving, of election may have returns examined, etc., in circuit court.....	252
of statement relative to results, etc., of canvass.....	332-3
of election in fourth class cities, where filed, etc.....	523
and statement of votes, to be filed with village clerk.....	539
CERTIFIED COPIES:	
clerk to furnish secretary of state with, of county canvass.....	242
CHAIRMAN:	
of board of election inspectors, when supervisor to be.....	146
of board of election commissioners.....	147
of board of election inspectors in each precinct, to procure ballots, etc.....	156
of board of county canvassers, election of, etc.....	238
of election inspectors in fourth class cities.....	518

CHALLENGE:	Sections.
of person not registered.....	98
proceedings in case of.....	161, 326
duty of inspectors to, disqualified elector.....	162
of elector at city primaries, oath, etc.....	280-1
challenged voter to wait until others have voted.....	282
of voter in townships, duty of moderator.....	362
of voters at primaries, oath, when vote received, etc.....	391-2
CHALLENGED VOTER:	
duty of inspectors upon receipt of ballot of.....	231-2
CHALLENGERS:	
number of, position assigned, powers and authority of, removal of.....	160
duties of, in assisting voters.....	169, 564
CHIPPEWA COUNTY:	
county commissioner of schools in, to be elected at general election.....	428
CIRCUIT COURT:	
when candidate may appeal to, for examination, etc., of returns.....	252
judge of, may fill vacancy in office of county clerk or prosecuting attorney..	450
CIRCUIT COURT COMMISSIONER:	
election of, term of office, etc.....	421-3
when counties entitled to two.....	421
when two, elected, county canvassers to designate successor.....	422
oath and bond of.....	424-5
vacancy in office of, how filled.....	426
salary, certain acts providing, of \$1,000 repealed.....	427
CIRCUIT JUDGES:	
term of office of, when elected.....	39
in 10th judicial circuit, exception as to form of ballot.....	148
when to designate successor of circuit court commissioner.....	423
when may approve county officers' bonds.....	439
when may remove county clerk.....	447
may fill vacancy in office of county clerk or prosecuting attorney.....	450
election of, canvass of votes, term, etc.....	454-61
CITIES:	
when, entitled to more than one representative.....	11
board of registration in, who to constitute, etc.....	84
section relative to registration in, not to apply to certain.....	88
opening and closing of polls in, and townships.....	182
who to constitute board of election commissioners in.....	228
duties of.....	228
act relative to primaries in, of certain population.....	274-95
under 15,000, how may conduct primaries.....	291
when, may purchase voting machines.....	546
CITIES OF THE FOURTH CLASS:	
registration in, duties of board, re-registration, etc.....	484-91
what officers in, to be elected.....	492
when two aldermen at large may be elected in.....	493
appointments of certain officers in, made by mayor with council's consent....	494-5
officers elected, appointed or filling vacancy in, term of office.....	496-99
qualifications for holding office in.....	500
officers in, when to take oath and give bond.....	501-4
elections in, inspectors, conducting of, canvass, returns, etc.....	511-26
CITY CLERK:	
list of registration signed by board and filed with.....	90
to deliver register to election inspectors.....	91
when to deliver and certify to copy of register of electors to elector.....	102
to forward secretary of state, number of registered names.....	109
to provide ballot box, key, election seal, etc.....	144
printed instructions to voters furnished by.....	168
to have charge of ballot box.....	174
duty of, as to duplicate statements of result of election.....	175
ballots and poll lists to be delivered to.....	184
to be notified of holding of primaries.....	283
in fourth class cities, notice of, as to registration.....	283
notices of election given by.....	490
duty as to ballot boxes, certificate of election, etc.....	515, 523-26
CITY COUNCIL:	
when, may authorize the use of voting machines at city elections.....	546
CITY OFFICERS:	
removal of, for certain reasons, by whom.....	446
what, in cities of fourth class to be elected.....	494
appointments of certain, in cities of fourth class when and by whom made....	494-5
terms of, oath and bond, appointments of, etc.....	497-502
CIVIL PROCESS:	
not to be served on election day.....	225
CLASSIFICATION:	
of justices of the peace, in case of no previous election.....	298
in new townships.....	339-42
in case of election to fill vacancies.....	343
CLERKS OF ELECTION:	
how may register name on election day.....	97
in townships and cities.....	141
duty as to entering names on poll list.....	163
to compare poll lists, etc.....	164

	Sections.
CLERKS OF ELECTION—Continued.	
use of liquors by, on election day.....	178
compensation of.....	354
not effective until ratified by electors.....	355
rules, etc., governing conduct of, where voting machines are used.....	556
COLUMBUS DAY:	
designated as a legal holiday.....	609
COMMISSIONER OF HIGHWAYS:	
election of, term of office.....	296, 299, 300
when overseer to assume duties of.....	318
designation of persons to fill vacancy of, on ballot.....	326
COMMITTEES:	
state, county and district, to forward to county election commissioners vignette and names of candidates.....	148
political, in townships, cities and villages, duties of.....	228
party, to designate time for holding primaries in cities.....	276
may make rules as to registration at city primaries.....	289
COMMON COUNCIL:	
to provide for by ordinance, division of voting precinct.....	142
may cause political parties to hold primaries at same time.....	284
of cities under 15,000 may enact ordinance as to conduct of primaries.....	291
authority of, as to opening and closing of saloons on election days.....	404
in fourth class cities, may divide wards into precincts.....	485
duty as to board of registration.....	486
when may provide for election of two aldermen at large.....	493
duty as to elections, notices, etc.....	513-26
when, may purchase voting machines.....	546
COMPENSATION:	
of members of boards of registration.....	110, 272, 354
of gate keepers.....	176
of sheriff and county canvassers for election services.....	223
of district canvassers, how paid.....	224
of board of county canvassers.....	236
election inspectors to receive.....	263
to members of board of registration in villages.....	274
of township officers.....	354-6
of board of registration in fourth class cities.....	486
in fourth class cities, of inspectors of election.....	517
of village election inspectors.....	534
CONSTABLES:	
election of, term of office, number of.....	53, 296, 300
duty as to offenses against elections.....	375
to close saloons, etc., found open on election day, and report to prosecuting attorney.....	388, 404
CONSTITUTIONAL AMENDMENT (see amendments).	
CONSTITUTIONAL PROVISIONS:	
relative to elections.....	1-82
CONTESTED ELECTION:	
proceedings in cases of a.....	233-5, 253-59
CONVENTION:	
primaries in cities for choosing delegates, etc., to.....	274
delegation to city or county, vacancy, how filled.....	287
unlawful for delegate to solicit money.....	288
delegates to, elected by ballot, in case of tie, etc.....	290
of political parties, act to protect and punish offenses at.....	390-98
delegates to, or primary, certain acts, misdemeanor.....	393
not to give proxies.....	399
vacancies in delegations to political, how filled.....	399
penalty for offering and soliciting money at political.....	400-2
CORNER:	
upper right hand, on front side of ballot to be perforated and numbered.....	152
perforated, to be torn off by inspector.....	163
CORONERS:	
term of office, when elected, to give bond.....	412
vacancy in office of, how and when may be filled temporarily.....	448
COUNTIES:	
closing of polls in, where all precincts use voting machines.....	143
when unorganized, considered organized for election purposes.....	221
when, entitled to two circuit court commissioners.....	421
apportionment, of state senators and representatives among.....	585-6
COUNTY CANVASS:	
of votes.....	185-93
clerk to make three copies of.....	241
original copy, where filed.....	241
COUNTY CANVASSER:	
compensation of, by whom allowed, etc.....	223
COUNTY CANVASSERS (see board of county canvassers).	
COUNTY CLERK:	
list of electors, election inspector to file with.....	89
township clerk to file copy of register with.....	104
duties of, as to special election to fill vacancy.....	135
an election commissioner.....	147-8
proof copy of ballot, when to be filed in office of.....	149
impression of vignette, etc., when filed in office of.....	150
printed instructions to voters, duty as to.....	168

COUNTY CLERK—Continued.	Sections.
tally sheet and statement of canvass forwarded to.....	175
poll lists to be delivered to, and filed by.....	184
canvasser's statement to be filed with.....	187
duty of, on receipt of district canvass.....	189
to certify persons elected.....	190-1
duty of, as to return of canvass on amendments.....	192
to be member of board of district canvassers.....	184
duty of, when unable to attend district canvass.....	197
to furnish secretary of state copy of determination of district canvassers.....	200
to notify persons elected.....	200
to file notice of vacancy in office of congressman.....	217
to notify members of county canvassers of election.....	236
to be member of board of county canvassers.....	236
to make three copies of county canvass.....	241
to file original.....	241
to furnish secretary of state, certified copies of county canvass.....	241-2
penalty for neglect of duty as county canvasser.....	243
duty of, as to furnishing blanks for making election returns.....	251
return of names, etc., of persons elected or appointed to be made to.....	351
term of office, when elected, to give bond.....	408
when, to transmit to secretary of state certified list of certain officers.....	410
supervisor to notify, of vacancy in office of treasurer or justice of the peace.....	442
removal of, when and by whom.....	447
vacancy in office of, may be filled by circuit judge.....	450
and prosecuting attorney may appoint to fill vacancies in certain county offices.....	450
statement of vote for circuit judge, to whom sent, etc.....	450
certificates of determination of village election, to be filed with.....	540
duty of, relative to voting machines.....	553
returns of vote of certain officers at general election by, when and to whom.....	581
election returns from senatorial districts made to.....	587
duty of, when presented with petition to submit question of prohibiting liquor traffic in county.....	590
to forward to secretary of state transcript of resolution of prohibition.....	600
when to make copy of poll list, fee for.....	604
COUNTY COMMISSIONER OF SCHOOLS:	
to be elected at April election, term of office, to file oath and bond.....	428
eligibility to office of.....	428
vacancy in office of, how and by whom filled.....	430
COUNTY COMMITTEES:	
state, district and, to forward to county election commissioners, vignette and names of candidates.....	148
COUNTY DRAIN COMMISSIONER:	
election of, oath, bond, term of office, etc.....	431
appointment of, to fill vacancy.....	431
COUNTY OFFICERS:	
election, term of office, etc.....	47, 49
special elections of, by whom ordered.....	128
duty of sheriff as to general election choosing.....	137
statement of votes for, by county canvassers.....	185
county clerk to forward list of, to secretary of state.....	191
proceedings in case of tie vote for.....	240
oath of office, bonds of.....	416-17
elected at general election, when terms of office to commence.....	420
inspector of mines, when elected, term, qualifications, bond, etc.....	433-8
approval of bonds of, by board of supervisors.....	439
when judge of probate or circuit court judge may approve bonds of.....	439
vacancy in office of certain, how filled.....	443, 450
removal of certain, by whom.....	444-6
removal and appointment of, by board of supervisors.....	453
COUNTY SURVEYOR:	
term of office, when elected, to give bond.....	415
vacancy in office of, how filled temporarily.....	450
COUNTY TICKET:	
order of arrangement.....	152
COUNTY TREASURER:	
term of office, when elected, to give bond.....	405
vacancy in office of, how and by whom supplied.....	406
to file bonds given by certain county officers.....	417
COURTS:	
jurisdiction of, for offenses against registration laws.....	107
proceedings of, in cases of contested election.....	234-5
having charge of offenses against elections, duty as to grand jury.....	378
DEATH:	
in case of, etc., of candidate.....	153
DELEGATES:	
to conventions, primaries in cities, for choosing.....	274
to city or county convention, vacancies, how filled.....	287
elected to city or county convention not to give proxy.....	287, 399
soliciting of money by, misdemeanor.....	288
to convention, how elected, ballots in case of tie, etc.....	290
penalty for soliciting money or reward.....	400-2

DELEGATES—Continued.	Sections.
to primary or convention, certain acts a misdemeanor.....	393
caucuses for appointment of, to conventions, when to begin, etc.....	398
DEPOSITS:	
made by candidates filing petition for recount of ballots.....	245, 247, 252-3
DETERMINATION:	
of state canvassers to be published.....	215
of result of election of circuit judge, by whom given.....	460
of state canvassers as to result of election of justices of supreme court....	475
of council in fourth class cities of result of election.....	523
DETROIT CITY:	
section relative to registration not to apply to.....	88
DIRECT NOMINATIONS:	
act relative to.....	610-66
DISTRICT CANVASS:	
of votes.....	186-200
duplicate statement of, where filed, etc.....	189
DISTRICT CANVASSER:	
compensation of, how paid.....	224
DISTRICT CANVASSERS (see board of district canvassers).	
DISTRICT INSPECTORS OF ELECTION (see also inspectors of election).	
appointment and election of, in townships having more than two districts..	262
duties of, as to canvassing votes in districts.....	266
DISTRICT NO. 1:	
who to constitute board of election inspectors in.....	262
statements, etc., relative to election in village districts to be deposited with	
inspectors of.....	266, 271
election inspectors in village, of whom to consist.....	270
DISTRICT NO. 2:	
who to constitute board of election inspectors in.....	262
DISTRICTS, ELECTION:	
division of townships and villages into, and providing for registration.....	260-73
DISTRICTS, REPRESENTATIVE:	
counties constituting one, returns of, where made.....	585
DISTRICTS, SENATORIAL:	
apportionment of state into thirty-two.....	586
DISTURBANCES:	
exciting, at election, etc., misdemeanor.....	403
DIVISION:	
of election districts.....	142
of township into election districts.....	260
DRAIN COMMISSIONER (see county drain commissioner).	
DRAWING LOTS:	
when canvassers may determine person elected by.....	188
DRUNKENNESS:	
cause for removal from office.....	449
DUPLICATE STATEMENTS:	
of result of canvass of votes, how, by, and to whom delivered, etc.....	175

E.

ELECTION BOARD (see inspectors of election).	
ELECTION COMMISSIONERS (see board of election commissioners).	
ELECTION DAY:	
registration of names on.....	91, 97
bringing of liquors into polling place on, penalty.....	178
civil process not to be served on.....	225
penalty for sale of liquor on.....	388-9
saloons, etc., to be closed on, arrests, penalty, etc.....	404
ELECTION DISTRICTS:	
division of, proceedings, how governed.....	142
in cities, council to provide by ordinance.....	142
when township may be divided into.....	260
boundaries, etc., of, entered on record of township board.....	261
notice of first election or township meeting, when given.....	261
who to constitute board of election inspectors in different.....	262
registration of electors in.....	265
canvass of votes in, by whom statement, etc., to be made.....	266
time of meeting of electors in, to transact business and canvass votes.....	267
division of village into.....	268-9
election inspectors in village, of whom to consist.....	270
when township board may abolish division of township into.....	273
each ward in fourth class cities, when to be.....	489
using voting machines may dispense with ballot clerks and gate keepers....	555
ELECTION EXAMINERS:	
duty of, as to recount of ballots in contest of election.....	256
board of, of whom to consist, how selected.....	258
ELECTION EXPENSES:	
legitimate.....	381
ELECTION INSPECTORS (see inspectors of election).	
ELECTION RETURNS:	
of the various representative districts, where made.....	585
of the senatorial districts, where made.....	587

ELECTION:

	Sections.
of members of legislature, when held.....	20
of justices of peace.....	43
of circuit judges, providing for, canvass of votes, etc.....	39, 454-61
of probate judge, when held.....	42, 408
of electors for president, etc., when held.....	129, 218
candidate for, not to furnish entertainment, etc., to voters.....	180
county clerk to notify persons of.....	190
of county canvassers, when and by whom.....	236
when notice of first, in election districts be given.....	261
manner of, of election inspectors in townships having more than two districts	262
notice of first, in village districts, when given.....	270
of delegates to convention, ballot, tie, etc.....	290
notice of, to township office, when transmitted by clerk.....	336
of candidate who commits bribery, void.....	386
of county treasurer.....	405
of county clerk.....	409
of sheriff.....	411
of coroners.....	412
of register of deeds.....	413
of county surveyor.....	415
of circuit court commissioner, term of office, etc.....	421
of county commissioners of schools.....	428
in Chippewa and Lake counties.....	428
of county drain commissioner by board of supervisors.....	431
notice of, to fill vacancy of county officers.....	453
of regents, canvass of votes, statements, etc.....	462-5
justices of supreme court, canvass, vacancy, etc.....	468-75
of U. S. senator, act relative to.....	476-8
in cities of fourth class, what officers to be elected at.....	496
in incorporated villages, when annual held.....	532

ELECTIONS:

for provisions of U. S. constitution relative to, see appendix.	
who entitled to vote at.....	1
proceedings relative to registration, etc.....	84-113
illegal voting at, penalty for.....	99
notice of, to fill vacancy in certain offices.....	131
duty of sheriff as to notifications of.....	136
duties of township clerks or inspectors as to notifications of.....	138
election inspectors to keep order, etc., at.....	162
canvass of votes, how conducted, void ballots, etc.....	173
gate keepers, powers and duties at.....	176
not to be held in saloons, changing of polling place.....	177
intoxicating liquors, penalty for bringing, into polling place.....	178
general, penalty for violating provisions of.....	181
general, opening and closing of polls in cities and townships.....	182
where unorganized counties considered organized for purposes of.....	221
proceedings in cases of contested.....	233-5, 253-9
in what manner, conducted by election inspectors.....	263
first, in new townships.....	264
penalty for neglect of officers to perform duties, etc.....	265
canvass of votes at, in districts and townships.....	266
illegal voting at, penalty for.....	267
manner of conducting, in village districts.....	271
in townships where division into districts has been abolished, how conducted	273
act relative to holding of primaries in cities.....	274-95
ballot boxes, seals, etc., penalty for violation.....	374
betting, selling pools, bribery, etc.....	377-82
primary, act to protect and punish offenses at.....	390-98
in cities of the fourth class:	
electors in, wards may be divided into precincts.....	484-5
annual city, when held, etc., special.....	511-12
notice, opening of polls, inspectors, etc.....	513-17
manner of conducting, result, in case of tie.....	518-26
annual, in villages, when held.....	532
special, how appointed, when held.....	533
village, manner of conducting.....	538
who may authorize the use of voting machines at township, city or village..	546

ELECTIONS, GENERAL:

state officers elected at, term of office.....	23, 66
words, how construed.....	83
when held.....	122
when secretary of state to give notice relative to.....	132-3
notice of, choosing county officers.....	137
duties of township clerks or inspectors as to notices of.....	138
inspectors at, who to constitute, oath, etc.....	139, 141
division of township into districts to be made twenty days before first....	260
returns of vote of certain officers cast at, when, to and by whom made....	581

ELECTIONS, MUNICIPAL:

manner of conducting.....	227-29
---------------------------	--------

ELECTIONS, PRIMARY:

general law.....	610-66
------------------	--------

ELECTIONS, SPECIAL:	Sections.
registration board, meetings, etc., in cities and townships.....	88, 95
in what cases may, be held.....	123
when, not to be held.....	125
when, to be ordered by board of supervisors.....	126
how conducted.....	127
relative to vacancies, when secretary of state to notify sheriffs.....	134
duties of board of supervisors and county clerk as to.....	135
canvass of votes on constitutional amendments at.....	192
canvass of, to fill vacancy in office of state senator or representative.....	249
in fourth class cities, how called and by whom, etc.....	512-13
ELECTIONS, TOWNSHIP:	
manner of conducting.....	227-9
ELECTIONS, VILLAGE:	
duty of inspectors at first, as to registration.....	105
township clerk to furnish list of electors at first.....	105
council to determine result of.....	540
ELECTION SEAL:	
who to have charge of, etc.....	174
ELECTIVE OFFICERS:	
resignations of, how and to whom made.....	440
ELECTORS:	
qualifications of.....	1
privilege of, from arrest.....	5
registration of, act relative to.....	84-113
challenge of vote by.....	98
actual residence of, in township, etc., condition of registration.....	100
may demand certified copy of register of electors.....	102
penalty for fraudulent registration by.....	106
number of, to be recorded by secretary of state.....	109
re-registration of, in Wayne county.....	113
proceedings when, are challenged, oaths, etc.....	161-2
manner of voting by, straight and split tickets, folding of ballot, etc.....	163
voting by, incapable of marking ballot.....	169
proceedings, if, vote for more than one person.....	172
spoiled ballot.....	172
limit of time, may remain in booth.....	179
candidate not to furnish entertainment, etc., to.....	180
penalty for obstructing, etc.....	181
duty of inspectors when, are challenged.....	231-2
to vote in districts in which they reside.....	264
registration of, in districts.....	265
district register of, where deposited.....	266
time of district meeting of, to transact business and canvass votes.....	267
registration of, in villages.....	272
qualification of, at school meetings.....	364
bribery of, penalty for attempt.....	371
not qualified to vote, penalty for illegal voting.....	372-3
penalty for offering position, etc., to, for vote.....	380-2
penalty for threatening to discharge, to influence vote.....	384
at primaries, challenge of vote, when received, etc.....	391
qualifications of, to vote at primary election.....	395
in fourth class cities, who deemed to be, residence, etc.....	485
registration of, board, notices, etc.....	486-91
unable to vote intelligently, by whom and how assisted.....	564
ELIGIBILITY:	
of gate keepers.....	176
to vote at city primaries.....	280
to office in townships.....	363
EMPLOYEE:	
state, not deemed to have lost residence.....	1
threatening to discharge, to influence vote, penalty.....	385
EMPLOYMENT:	
promise of, for vote, bribery.....	380
ENTERTAINMENT:	
candidate for election not to furnish, etc.....	180
ERASING OF NAMES:	
on ballots.....	163
ERRORS:	
in proof ballot, by whom corrected.....	149
proceedings for correction of, etc., in canvass, etc., made by inspectors....	252
EXPENSES:	
of board of registration in cities, how paid, etc.....	85
election, legitimate.....	381
etc., for refreshments to corrupt voter, unlawful for candidate to pay.....	383
F.	
FEES:	
of clerk for making copy of register of electors.....	102
FELONY:	
violation of general election law a.....	181
FEMALE:	
when, may hold office of school inspector.....	363
when may vote.....	4, 365-8

FENCE:	Sections.
or railing to be erected in voting room, who to provide and erect.....	158
FIRST TOWNSHIP MEETING:	
in new township, inspectors, etc.....	369
FOLDING OF BALLOT:	
manner of	163, 324
FOREIGN LANGUAGE:	
when instructions to voters printed in.....	168
FOURTH CLASS CITIES (see cities of the fourth class).	
FRAUD:	
petition of candidate for correction of, in canvass.....	245
proceedings for correction of, etc., in canvass, etc., made by inspectors.....	252

G.

GATE KEEPERS:	
in voting room, how appointed, duties, oath, etc.....	158
of elections, powers, duties, eligibility, etc., of.....	176
may be dispensed with in election districts using voting machines.....	555
GATES, ENTRANCE AND EXIT:	
to be erected in fence, etc., in voting room, keepers of, how appointed, duties, etc.	158
GOVERNOR:	
to fill vacancies in state offices.....	25, 452
eligibility to office of.....	28
to certify names of presidential electors to secretary of state of U. S.	220
county clerk to send copy of county canvass to.....	241
to fill vacancy in office of circuit court commissioner.....	426
to fill vacancy in office of mine inspector.....	436
resignation of, to whom tendered.....	440
to fill vacancy caused by resignation of appointive officer.....	440
may remove officers for certain reasons.....	446
when, may remove certain officers collecting public moneys.....	448
vacancy in office of justice of supreme court, filled by.....	471
to certify election of U. S. senator to president of U. S. senate.....	478
to fill vacancy in office of state highway commissioner.....	479

H.

HOLIDAYS:	
days designated as legal.....	607-9

I.

IDENTIFICATION:	
of ballot of unqualified elector.....	231-2
ILLEGAL VOTING:	
penalty for.....	99, 372
INFLUENCING OF VOTER:	
unlawful, at polling place.....	170
at city primaries	286
penalty for attempted.....	371
INITIALS:	
inspector to place, on ballot.....	159
ballot to be folded so as to show, of inspector.....	163
ballots not having, declared void.....	173
INSPECTION:	
of proof ballot by election commissioners, errors corrected.....	149
when proof copy of ballots open for.....	229
provide as to, of ballot in contested elections.....	233
INSPECTOR OF MINES:	
when elected, term, qualifications, bond, etc.....	433-8
appointment of deputies.....	438
INSPECTORS OF ELECTION:	
in cities, duty as to filing list of electors with county clerk.....	89
when city clerk to deliver register to.....	91
how may register names on election day.....	97
when township clerk to deliver register of electors to.....	97
duty of, on challenge of vote.....	98, 161-2, 231
penalty for, receiving unlawful vote.....	99
at first village election, duty of.....	105
in new townships to constitute board of registration.....	114
duty of, as to notification of election.....	138
candidates for office not to act as.....	139
when, chosen viva voce.....	140
who to constitute, oath, etc.....	139-41
to cause proclamation to be made on opening and closing of polls.....	143, 322
noon adjournment in townships, duty of, as to.....	143
when to designate one of own number chairman.....	146
when fully organized, may open package containing ballots.....	156
to give receipt on delivery of ballots, etc.....	156
duty of chairman of, to procure ballots, etc.....	156
when none of board of, appear at county clerk's office, ballots may be dispatched by special messenger.....	157
at opening of polls, to appoint gate keepers.....	158
delivering ballots to have at all times in hand twenty-five signed ballots....	159

INSPECTORS OF ELECTION—Continued.	Sections.
one, designated to mark initials on ballot.....	159
package containing official ballots to be opened in presence of.....	159
number of ballots delivered to, at opening of the polls.....	159
to protect challenger in discharge of duty.....	160
one of, to deliver ballot to voter.....	163
initials of, to show when ballot is folded.....	163
duty of, on receiving marked ballot, tear off corner, etc.....	163
key, seal, etc., to be delivered to members of.....	165
returning and opening of ballot box.....	166
distribution of ballots by.....	167
duties of, and challengers as to assisting certain voters.....	169, 564
unlawful to influence voter.....	170
duty as to unused and spoiled ballots.....	172
board of, duty, etc., as to canvass of votes.....	173
chairman of, to have charge of keys of ballot box.....	174
canvass of votes, duty as to statement, etc.....	175
not to hold election in saloons, etc., changing of polls.....	177
penalty for use of liquors, or intoxication of, at polls.....	178
regulations as to time voter may remain in booth.....	179
duty of, as to canvassing, etc., of votes on constitutional amendments.....	183
to place number before name of each voter.....	230
appointment and election of, in townships having more than two districts.....	262
who to constitute board of, in different election districts.....	262
duties, powers and compensation of.....	263, 354-5
duties of, as to canvassing votes in districts.....	266
duties of, as to consolidation of reports from district meetings.....	267
in villages, who to be, compensation, etc.....	270, 534
duties of, as to conducting elections in village districts.....	271
at primaries in cities, who to compose, vacancy, etc.....	279
duty as to challenged voters.....	280
duty as to registering voter.....	289
duty as to election of delegates to convention in case of tie.....	290
when majority of, may adjourn township meeting, proclamation and notice, etc.....	303, 304
at annual township meetings, same as at general elections.....	319
in absence of town clerk, to appoint clerk of meeting, oath, etc.....	321
authority to preserve order, etc.....	327
to make certified statement of canvass.....	332-3
to determine choice by lot when candidates receive equal number of votes.....	334
of first township meeting, duty, etc.....	369
duty as to offenses against elections.....	375
at primaries, certain acts of, a misdemeanor.....	392
duty of, as to election, canvass, etc., of circuit judges.....	455
regents of university, duty as to election of.....	464
duty as to election of supreme court justices, canvass, etc.....	472
in cities of the fourth class, notices of special election delivered to.....	513
proclamation of opening and closing of polls.....	516
who to constitute, etc.....	517
chairman and clerk, etc.....	518-19
in villages, to cause proclamation made at polls at election in.....	537
duty of, at elections in, canvass of votes, etc.....	540
to receive instruction relative to operation of voting machines.....	554
rules, etc., governing conduct of, etc., where voting machines are used.....	556
duties of, as to instructions to voters and time voters may remain in booth.....	561
duty of, in assisting elector where voting machine used.....	564
statements relative to proposed amendments, etc., posted by, in polling places.....	583
copy of order for local option election, to be sent to.....	598
INSPECTORS OF PRIMARIES:	
in cities, election of, vacancy, etc.....	279
INSTRUCTION BALLOT:	
printed on red, etc., papers, who may procure for circulation.....	154
INSTRUCTIONS:	
to voters, form of ballot.....	152
printed, who to furnish, where hung, etc.....	168
in foreign language.....	168
for voters as to voting machines to be placed in booths, when and by whom.....	556
personal, how and by whom given where voting machines are used.....	564
INTERPRETER:	
board of registration may employ.....	86, 95
election of additional, in certain counties.....	408
J.	
JUDGE OF PROBATE:	
when elected.....	42
an election commissioner, chairman.....	147
statement of election sent by mail in care of.....	175
when member of board of district canvassers.....	194
petition by candidate intending to contest election made to.....	253
duty of, relative to contest of election.....	255
term of office, when elected.....	408
may appoint person to fill office of register of deeds in case of vacancy, etc.....	414
when may approve county officers' bonds.....	439
JUDICIAL CIRCUITS:	
circuit judges, election of, canvass of votes, etc.....	454-61

JUSTICES OF SUPREME COURT:	Sections.
number of, and term of office.....	37
when elected, vacancy, term, canvass of votes, etc.....	468-75
JUSTICES OF THE PEACE:	
election of, term of office, vacancy, classification, etc.....	43, 296, 298
may be appointed to fill vacancy in registration board.....	85
when to constitute member of board of registration.....	92
to act as inspectors of election.....	130
when to serve on board of registration.....	265
bond and oath of.....	298
designation of persons to fill vacancy of, on ballot.....	325
when, to enter upon their duties.....	337
when office of, deemed vacated.....	338
classification of, in new townships, manner of deciding.....	339-40
in case of election to fill vacancies, manner of deciding.....	343
resignation of, how made, where filed.....	346
town clerk to give notice to county clerk, of election of, term of office, etc.....	352
duty as to offenses against elections.....	374
supervisor to notify county clerk of vacancy in office of.....	442
removal of, for certain reasons, by whom.....	446
two, to be elected at first election in cities of fourth class.....	496
when, in cities of fourth class to enter upon duties.....	499
in cities of fourth class, when and how to take oath of office and file bond.....	501-2
K.	
KENT COUNTY:	
KEY: board of election commissioners in, who to constitute.....	147
to ballot box, who to provide, etc.....	144-5
of ballot box, to whom delivered.....	165-6, 174
L.	
LAKE COUNTY:	
county commissioner of schools, election of, etc.....	423
LEGISLATURE:	
when may rearrange senate districts and apportion representatives.....	12
election of members of, when held.....	20
in case of tie or contested vote, duty of.....	75
list of members of, to be forwarded to secretary of state.....	191
special canvass of vote to fill vacancy in, during session of.....	249
penalty for attempt to corrupt vote of member of, for U. S. senator.....	387
resignations from, how and to whom made.....	440
U. S. senator, when and how elected by.....	476-8
apportionment of representatives in.....	585
apportionment of senators in.....	586
LIEUTENANT GOVERNOR:	
in case of tie vote for, legislature to choose.....	75
resignation of, to whom tendered.....	440
LIQUORS:	
boards of registration not to meet where, are sold.....	120
penalty for violation.....	121
not to be taken into, or used in polling place, penalty, etc.....	178
penalty for sale of, on election day, or after polls close.....	388-9
places where, sold, etc., to be closed on election days.....	404
prohibition of sale of, in counties.....	588-606
LISTS:	
of names for registration, duties of registration board.....	84-113
of registration in cities, board to sign and file.....	90
of presidential electors, when and to whom certified.....	220
of persons voting at town meeting, to be kept by clerk.....	320
LOCAL OPTION:	
law governing, elections.....	588-606
LOCKS:	
care of key, etc.....	165-6
on ballot boxes, penalty for breaking, etc.....	374
LOT:	
drawing by, to determine election of county officers, etc.....	240
in case of tie, village council to determine by.....	541
M.	
MANNER OF VOTING:	
marking and folding of ballots.....	163
MARKING OF BALLOTS:	
section relative to.....	163
MEETINGS:	
of board of registration in cities and townships.....	88, 95
time and place of, of board of district canvassers.....	196
of board of county canvassers.....	238
for registration of electors, how often held.....	285
district, notice and time of holding.....	285
district, of electors to transact business and canvass votes, time of.....	287

MESSENGER:	Sections.
when special, may be dispatched with ballots to voting precinct.....	157
to file receipt and affidavit after delivery of ballots.....	157
secretary of state may send special, for statement of votes.....	204
MILITARY DUTY:	
elector exempt from, on day of election.....	6
MISDEMEANOR:	
violation of registration laws deemed a.....	108
bringing liquors, etc., in polling place a.....	178
attempt to identify ballot of elector deemed a.....	232
when clerk of county canvassers guilty of.....	243
to solicit money, or influence voter at city primaries.....	285-6
for delegate to convention to solicit candidate.....	288
who deemed guilty of, as to offenses against primaries.....	390
when candidate or delegate guilty of a.....	400-2
disturbance at election, etc., a.....	403
MONEY:	
offering or soliciting, at city primaries a misdemeanor.....	285-6
soliciting of, by delegate to convention, unlawful.....	288
penalty for betting, \$100 more or less upon election.....	378-9
refraining to vote for, or receiving, penalty.....	380-2
delegate at primary accepting, guilty of misdemeanor.....	393
penalty for soliciting or offering, at political conventions.....	400-2
MUNICIPAL ELECTIONS:	
manner of conducting.....	227-9
N.	
NAMES:	
registration of, of electors in cities and townships.....	88, 95
registering of, on election day.....	91, 97
not entitled to registration in townships.....	96
of electors dead or removed, how marked on register.....	101
order of placement of, on ballot for November and April elections.....	152
of candidates, when and by whom furnished commissioners.....	229
of electors transcribed from township to district register.....	265
and addresses of persons elected or appointed, returned to county clerk....	351
NATURALIZATION:	
of aliens (see appendix).	
NEWSPAPERS:	
notice of meeting of board of registration to be published in.....	89
determination of district canvassers to be published.....	199
secretary of state to publish certificates of election in.....	215
county canvassers to publish result in.....	239
statements relative to proposed amendments, etc., when published in.....	583
NEW TOWNSHIP:	
first election in, place of meeting, etc.....	369
NOMINATION:	
political, act to prevent betting upon result of, penalty, etc.....	378-9
of candidates for local offices, caucuses, when to begin, etc.....	398
NOMINATION OF PARTY CANDIDATES:	
act relative to direct.....	610-66
NOMINEE:	
of two parties, to give notice specifying choice, how given.....	148
for ward office, how elected, etc., at primaries.....	290
names of, to be arranged, etc., in connection with voting machines, by whom	550
NOON ADJOURNMENT:	
of the polls, in townships.....	143
in townships, certain section not to apply to.....	182
NOTICE:	
board of registration to give.....	85
boards of registration in cities to give, of meeting, etc.....	88
what to contain, how given, etc.....	89
of registration in villages.....	95
of meeting of board of registration in new townships.....	119
of election to fill vacancy in certain offices, when and by whom given.....	131
when secretary of state to give, relative to general election.....	132-3
from sheriff relative to elections, what to contain.....	136
of holding election, when given, what to contain.....	137-8
by nominee of two parties, to specify choice, how given.....	148
of changing of polling place, how and by whom given.....	177
of vacancy in office of congressman, to whom given, etc.....	217
to candidates of recount.....	246
candidate filing petition for recount of ballots to give opposing candidate..	252
of division of townships into election districts, posting and publication of...	260
of changing election districts, what to contain, when posted.....	261
when, of first election in election district to be given.....	261
of meeting for registration of electors.....	265
in districts.....	265
of division of village into districts, when posted, etc., what to contain.....	268
of first election and first appointment in village districts, when given.....	270
of time for holding primaries in cities, by whom given.....	276
of special township meeting, when town clerk to give.....	315
as to classification of justices in new townships, when and by whom served,	
what to state.....	339

NOTICE—Continued.	Sections.
of first township meeting, how given, etc.....	369
of holding caucuses, how given, etc.....	398
of vacancies in certain state and county offices, when given.....	443, 453
of election for circuit judge.....	457
of registration in new wards in fourth class cities.....	488
of special election in fourth class cities, by whom given, contents, etc.....	513
of village election, annual or special, by whom and when given.....	535
NOTIFICATION OF ELECTIONS:	
when secretary of state to give, relative to filling vacancy in certain offices.....	131
of state officers, etc., when and by whom given.....	132-3
relative to vacancies, when and by whom given, what to state.....	134
to fill vacancies, what to specify.....	135
county clerk to give.....	200
secretary of state to make and deliver to persons.....	209-11
NUMBER:	
on ballot, on upper right hand corner.....	152
of ballot voted to correspond to same on poll list.....	163
inspectors to place, before name of each voter.....	230
O.	
OATH:	
constitutional, form of.....	73
registration board may require applicant to take.....	86
of elector registering on election day, by whom given, etc.....	97
of members of board of registration.....	111
of inspectors and clerks of election.....	141, 223, 263
of gate keepers at election.....	158
tendered to challenged voter.....	161, 280-1
taken by person appointed on board of registration.....	265
of justice of the peace, when taken.....	298
taken by township officers, with whom filed, by whom certified, etc.....	335
of office by certain county officers, when subscribed, with whom filed.....	416
of office of circuit court commissioner.....	424
county commissioner of schools to file, with county clerk.....	428
of office of state highway commissioner.....	479
OFFENSES:	
against registration laws, jurisdiction of courts in.....	107
against election laws, penalties, etc.....	370-6
OFFICERS:	
to be elected at general election.....	122
county, special elections of, by whom ordered.....	126
term of office of elective.....	226
primaries in cities for choosing.....	274
elected at town meetings, at one o'clock, viva voce vote, etc.....	328
at elections, penalty for neglect to perform duties, etc.....	370
penalty for betting on result of election of.....	377
when certain county, to give bonds, with whom deposited.....	417
OPENING:	
and closing of polls in counties where all precincts have voting machines..	143
of ballot box when seal broken, etc.....	165-6
and closing of polls in cities and townships.....	182
of fourth class.....	516
OVERSEER OF HIGHWAYS:	
election of, term of office, number of.....	53, 296, 316
appointment of, to fill vacancy.....	317
when, to assume duties of highway commissioner.....	318
when, elected at township meeting to file notice of acceptance.....	336
penalty for refusing to serve as, when exempted from penalty.....	344
P.	
PACKAGE:	
containing ballots, how wrapped, tied, sealed and delivered, etc.....	156
containing official ballots, when and how opened.....	156, 159
PAMPHLETS:	
number of, showing result of votes at April election, by whom printed and mailed.....	582
PARTY ORGANIZATION:	
committee of, may direct holding of primaries in cities by voting precincts.....	275
PARTY PRIMARY:	
ward or precinct failing to hold, at designated time not to be represented at election, etc.....	275
clerk to be notified of time of holding.....	283
PARTY REGISTRATION:	
in wards, at primaries in cities.....	229
PARTY TICKET:	
place of, on ballot, how governed.....	152
how marked, folded, straight ticket, etc.....	163
PASTERS:	
furnished when name omitted from ballot.....	153

PENALTY:	Sections.
for making false statement for registration.....	86-7
for fraudulent registration.....	94-7, 106, 108
for illegal voting.....	99, 372
for false entry on register of electors.....	101
for mutilating register, or forging name.....	103
registration boards not to meet where liquors are sold, for violation.....	121
of challenged elector swearing falsely.....	161
for bringing liquors into or using, in polling place.....	178
for violation of provisions of general election law.....	181
for exposing or identifying ballot of elector.....	232
for violation of act by board of county canvassers.....	243-4
for violation of city primary act.....	294-5
for certain township officers neglecting to qualify or refusing to serve.....	344
for disorderly conduct at township meetings.....	357-61
for wilful neglect of duty under election laws.....	370
for attempt to bribe elector.....	371
for aiding, procuring, etc., unqualified voter.....	373
for violation of ballot box.....	374
for betting, etc., on elections.....	377-9
for offering position, or corrupting voters, etc.....	380-4
for sale, etc., of liquors on election day.....	388, 404
for violation of act for protection of primaries.....	391-2
for violation of act, relative to political delegations.....	399-402
for causing disturbance at election, etc.....	403
PENCILS:	
to be furnished each voting precinct.....	155-6, 159
PERFORATED CORNER:	
of ballot, where numbered, etc.....	152
when torn off, initials not to be placed on.....	159, 163
PETITION:	
in case of contested election, what to state, etc.....	234
of aggrieved candidate, when and where filed.....	245
for corrections of canvass, etc., when and to whom made, etc., what contain.....	252, 254
to submit question of prohibiting liquor traffic, to electors.....	590
POLITICAL COMMITTEES:	
in townships, cities and villages, duties of.....	228
not required to furnish vignette.....	228
when to furnish names of candidates.....	229
time of holding primaries in cities determined by.....	276
POLITICAL CONVENTIONS (see conventions).	
POLITICAL PARTIES:	
state committee of, to prepare and adopt vignette, specifications for.....	149
place of candidates of, on ticket.....	152
primaries in cities for choosing candidates of, how construed.....	274
where and when held.....	275
not to hold primaries in cities on same day.....	283
act to protect primary elections of, and punish offenses.....	389-97
POLL LISTS:	
right of challenger to inspect.....	160
clerks to compare.....	164
to be placed and locked in ballot box.....	165
to be compared before canvass is made.....	173
where delivered and filed.....	184
inspectors to number name of each voter on.....	230
when may be produced in court.....	233
for each district, where deposited.....	266
etc., used at election in village districts, when and where deposited.....	271
ballots to be counted and compared with.....	331
at local option election, duty of inspectors relative to.....	596
copy of, made by town, city and county clerks, compensation for.....	604
POLLING PLACE:	
instructions to voters hung in.....	168
unlawful to have, in saloon or bar room, changing of.....	177
time of meeting of electors at, of district to transact business, etc.....	267
at primary elections, how may be arranged.....	397
statements relative to proposed amendments, etc., to be posted in, by whom.....	583
POLLS:	
opening and closing of, proclamation, etc.....	143, 322
noon adjournment, in townships.....	143
opening and closing of, in counties where all precincts have voting machines.....	143
examination of ballot box before opening of.....	145
canvass of votes immediately after closing of.....	173
opening and closing of, in townships and cities.....	182
unlawful to sell liquor on election day after, close.....	389
in cities of fourth class, opening and closing, proclamation, etc.....	516
opening and closing of, at village elections.....	537
instructions for voters as to voting machines to be placed in booth before.....	556
opening of.....	556
POSTED:	
notices of meeting of registration board in cities to be.....	88, 89
notice of changing of polling place to be.....	177
notices relative to division of townships into districts to be.....	260
notices relative to division of village into districts, when and where.....	268
notice of township meeting in new township.....	369

POUND MASTERS:	Sections.
how and when elected, number of, term of office.....	300
when, elected at township meeting to file notice of acceptance.....	386
penalty for refusing to serve as, when exempted from, penalty.....	344
PRECINCTS:	
voting, when may be divided, proceedings, how governed.....	142
in cities, council to provide by ordinance.....	142
opening and closing of polls in counties, where all, have voting machines.....	143
chairman in each voting, to procure ballots, etc., from county clerk.....	156
inspectors of, number "one," duties of, as to consolidation of reports from districts.....	267
when village may be divided into.....	544
PRESIDENTIAL ELECTORS:	
election of, when held.....	129, 218
statement of votes for, by county canvassers.....	185
when state board to canvass votes for.....	210
number of, state entitled to.....	218
vacancy in office of, how filled.....	219
when and where to convene.....	219
list of, to be certified by governor to secretary of state of the U. S.....	220
how arranged on voting machines, etc.....	547
PRIMARIES:	
in cities of over 15,000 and under 150,000, act relative to.....	274-95
word, how construed, etc.....	274, 394
where held, etc.....	275
time of holding, by whom determined, notices, etc.....	276
booths, who to provide.....	277
time of holding.....	278
who to preside at, inspectors, who may vote at, etc.....	279-81
no two parties to hold, on same day, duty of chairman.....	283
council may cause political parties to hold, at certain time.....	284
misdeemeanor to solicit money, influence voter, hire carriage, etc.....	285-6
proxies not to be given by delegates, how elected.....	287, 290
registration of voters.....	289
how cities of less than 15,000 may conduct.....	291
acts to remain in force, penalties for violation of acts.....	292-5
ballots at, destroying, etc., of, misdemeanor.....	390
oath of inspectors, challenge of voters, etc.....	391
certain acts of inspectors at, a misdemeanor.....	392
delegates, certain acts a misdemeanor.....	393
who may vote at any.....	395
not to be held in saloons, etc., polling places.....	397
when to begin, notice, etc., manner of voting, etc.....	398
PRIMARY ELECTION LAW:	
for nomination of candidates, etc.....	610-66
PRIMARY ELECTIONS:	
act to protect and punish offenses committed at.....	390-8
use of voting machines at, authorized.....	570-5
PRINTED INSTRUCTIONS:	
to voters, who to furnish, languages, etc.....	168
PRINTER:	
unlawful for, to print ballot in other form, etc., than prescribed.....	154
PROBATE JUDGE (see judge of probate).	
PROCLAMATION:	
to be made on opening and closing of polls.....	143, 321, 537
of changing of polling place to be given.....	177
to be made on change or adjournment of township meeting.....	304
of opening and closing of polls in fourth class cities.....	516
PROOF COPY:	
of ballot, when placed on inspection.....	229
PROSECUTING ATTORNEY:	
election of, term of office.....	47
arrests for offenses against elections reported to.....	375
commission of, appointed by governor to be transmitted to county clerk.....	418
vacancy in office of, may be filled by circuit judge.....	450
and county clerk may appoint to fill vacancies in certain county offices.....	450
PROXY:	
delegates to political conventions not to give.....	287, 399
PUBLICATION:	
of certificate of election by secretary of state.....	215
of notice of division of township into election districts.....	260
of notices relative to division of village into districts, when and where.....	268
of statement relative to proposed amendments, etc., how and by whom made.....	583
Q.	
QUALIFICATIONS:	
of electors.....	1, 4
of electors for registration in new townships.....	116
issue formed to determine, of elector.....	234
of voters and officers in townships.....	362
of electors at school meetings.....	364
penalty for swearing falsely as to, at primaries.....	391
to vote at primary election.....	395
of circuit court commissioner.....	423
necessary for holding office of county commissioner of schools.....	429
for office.....	531
of electors at local option election, registration, etc.....	595

QUORUM:	Sections.
of board of election commissioners.....	147
when township board reduced below, or disorganized, etc.....	310
R.	
RAILING:	
or fence to be erected in voting room, who to provide and erect.....	158
ballots not to be given on outside of.....	167
at elections, duty of gate keepers as to admitting voters.....	176
RECEIPT:	
Inspector of election to give, on delivery of ballots, etc.....	156
person receiving ballots from special messenger to give, where filed.....	157
for unused and spoiled ballots to be given.....	172
RECORD:	
of votes to be made by secretary of state.....	202-3
boundaries, etc., of election districts to be entered on, of township board..	261
abolishing division of townships into districts, action entered upon.....	273
made of statement, etc., relative to results, etc., of canvass.....	333
RECOUNT:	
proceedings by county canvassers in case of.....	245-8
proceedings for making, of ballots.....	252, 256
petition for, of ballots by candidate contesting election.....	253
REGENTS OF THE UNIVERSITY:	
number of, when elected, term of office, vacancies, etc.....	67
election, canvass of votes, term, etc.....	462-5
REGISTERED MAIL:	
copy of statement of election forwarded by.....	175
REGISTER OF DEEDS:	
election of, term of office.....	47
when offices of, and clerk may be united or disconnected.....	47
term of office, when elected, to give bond.....	413
vacancy in office of, how and by whom supplied.....	414
how and when may be filled temporarily.....	450
REGISTER OF ELECTORS:	
who to provide, how arranged, etc.....	84, 112
in cities, board to sign and file with city clerk.....	90
when clerk to deliver, to election inspectors.....	91
names not to be entered in.....	96
when township clerk to deliver, to election inspectors.....	97
deceased and removed electors, names, how marked on.....	101
elector may demand certified copy of.....	102
penalty for mutilating or forging name upon.....	103
copies of, to be filed with county clerk and township treasurer.....	104
how made up, at first elections in villages.....	105
district, where deposited.....	265-6
etc., used at election in village districts, when and where deposited.....	271
REGISTRATION (see also board of registration).	
act relative to, of electors and to preserve the purity of elections.....	84-113
in cities, how made, who not entitled to, etc.....	86-7
of names on election day.....	91, 97
in townships in 1859.....	93, 94
in townships, who not entitled to, penalty for fraudulent, etc.....	96
residence of elector a condition of.....	100
in new villages.....	105
penalty for fraudulent.....	106
jurisdiction of courts for offenses against, laws.....	107
in Wayne county.....	113
act to provide for, in new townships.....	114-19
of electors in districts.....	265
of electors in villages, how conducted.....	272
for local option election, how conducted.....	595
of women.....	366
REGISTRATION BOARD (see board of registration).	
REMOVAL:	
of challenger.....	160
of certain state and county officers, by whom.....	444-9, 453
REPRESENTATIVE DISTRICTS:	
cities or townships not to be divided in formation of.....	11
duties of board of supervisors as to dividing county into.....	11
when legislature may rearrange.....	12
statement of votes in, what to set forth.....	186
REPRESENTATIVES IN CONGRESS:	
statement of votes for, by county canvassers.....	185
when elected.....	217
resignation of, notice, where filed.....	217
REPRESENTATIVES, STATE:	
qualifications of.....	13
election of, when held.....	20
statement of votes for, by county canvassers.....	185
proceedings in case of tie vote for.....	240
special canvass for, to fill vacancy.....	249
resignation of, how and to whom made.....	440
apportionment of.....	585

RE-REGISTRATION:	Sections.
in Wayne county, when made, etc.....	113
in cities of the fourth class.....	491
RESIDENCE:	
what deemed, of electors.....	2
not gained or lost by reason of employment in state or U. S. service.....	2
of elector a condition of registration.....	100
of electors in cities of fourth class.....	484
RESIGNATIONS:	
of township officers, how made, where filed.....	346
of justice of the peace.....	346
how and to whom made, vacancy, how filled.....	440-1
RETURNS:	
blanks for making election, when, by and to whom furnished.....	250, 251
proceedings for correction of frauds, etc., in, made by inspectors.....	252
of names, of persons elected or qualified, to county clerk.....	351
as to election for justice supreme court.....	474-5
county clerk to make, of vote of certain officers at general election, when and to whom	581
S.	
SAILORS AND MARINES:	
may acquire residence at Soldiers' Home, where located.....	2
when deemed non-resident	2
SALOON:	
registration boards not to meet in, or adjacent to.....	120
elections not to be held in, change of polling place.....	177
to be closed on election day, penalty.....	388
primary election not to be held in.....	397
to be closed on certain days and hours.....	404
SCHOOL ELECTIONS:	
qualifications of voters at.....	364
SEAL:	
election, who to furnish, what to contain, etc.....	144
election commissioners to provide themselves with.....	156
on package of official ballots, to be kept intact.....	159
election, who to keep, etc.....	165, 174
on ballot boxes, penalty for breaking, etc.....	374
SECRETARY OF STATE:	
to keep record of registered electors.....	109
when, to give notice of election to fill vacancy.....	131
when, to give notice relative to election of state officers, etc.....	132, 133
when, to notify sheriffs relative to special elections to fill vacancies.....	134
impression of vignette, etc., when filed in office of.....	150
to certify to submission of constitutional amendment.....	151
to furnish printed instructions.....	168
to be furnished with list of officers elected.....	191
to be furnished copy, determination of district canvassers.....	200
to record statement of votes.....	202-3
to appoint meeting of state board of canvassers.....	205
to make record of state canvass.....	209
to notify persons elected.....	209-11
to cause amendments to constitution published with laws.....	214
shall publish determination of state canvassers.....	215
to be notified of resignation or death of congressman.....	217
county clerk to send copy of county canvass to.....	241
to furnish blanks for making election returns, when and to whom.....	250
when county clerk to transmit to, certified list of certain officers.....	410
county clerk to report appointment of county drain commissioner to.....	431
statement to be made to, when vacancies in office occur.....	441
vacancy in office of, how filled.....	452
one of state canvassers, certificate filed with, etc.....	475
duty as to election of U. S. senator.....	478
duties of, as to supplies, etc., used in connection with voting machines....	568
districts using voting machines to notify.....	568
returns of vote of certain officers at general election made to, when and by whom	581
number of pamphlets printed by, showing result of votes at April election..	582
duties of, as to publicity of proposed constitutional amendments, etc.....	583
to prepare blank statements, poll books, for local option election.....	605
SENATORIAL DISTRICTS:	
when county may be divided into.....	10
when legislature may rearrange.....	12
statement of votes in, what to set forth.....	186
SENATORS, STATE:	
qualifications of	13
election of, when held.....	20
proceedings in case of tie vote for.....	240
special canvass for, to fill vacancy.....	249
resignation of, how and to whom made.....	440
apportionment of	586
SERVICE OF PROCESS:	
not to be made on election day.....	225

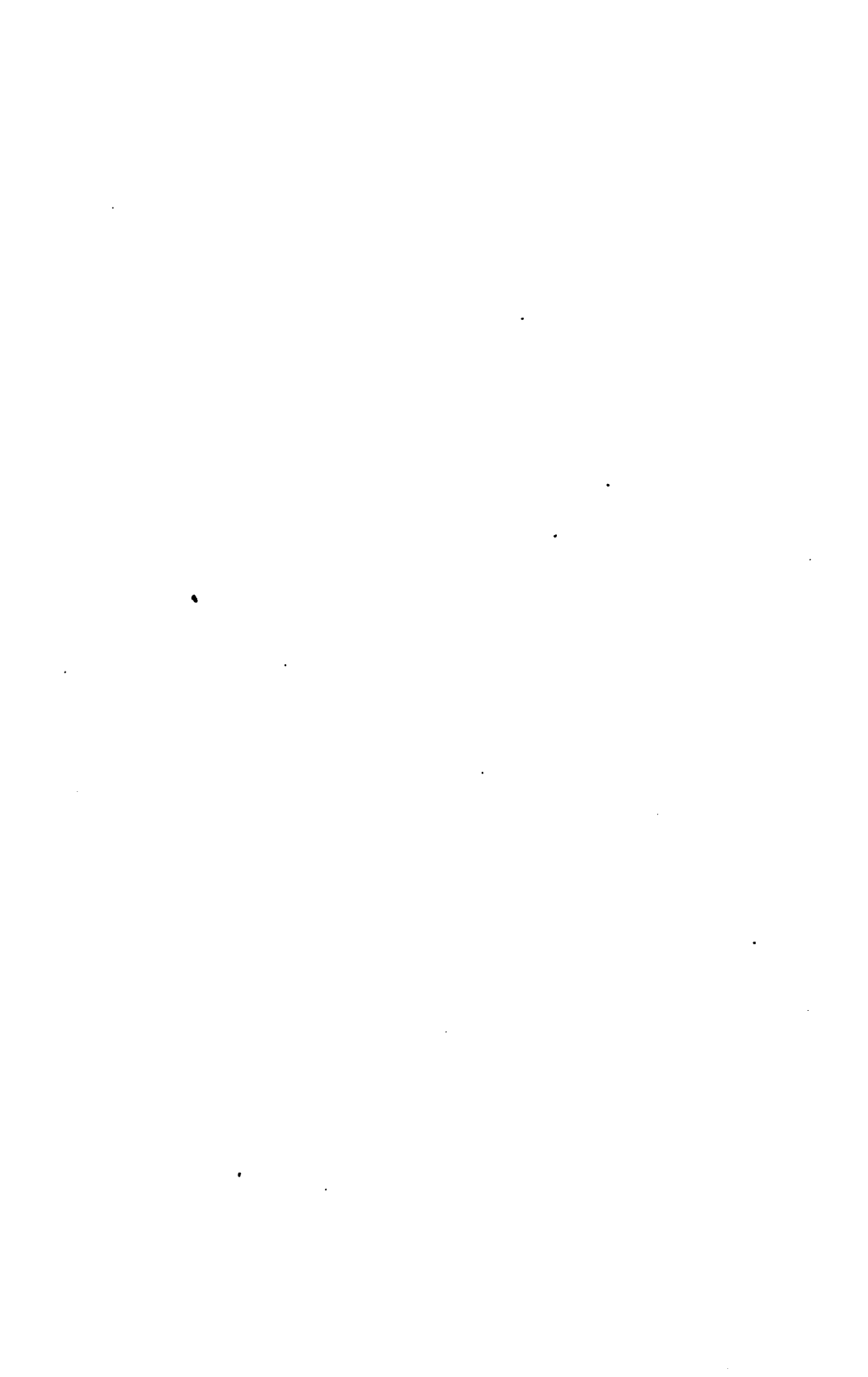
SHERIFF:	Sections.
election of, term of office, security, etc.....	47, 49, 411
duty of, as to notification of election.....	136.7
when member of board of district canvassers.....	194
compensation of, for election services.....	223
duty as to offenses against elections.....	375
vacancy in office of, how and when may be filled temporarily.....	450
to notify clerks of election of circuit judge.....	457
SLIPS:	
pasted on ballots, how counted, etc.....	163
when, used in case of tie of delegates, etc., at city primaries.....	290
SPECIAL CANVASS:	
for state senator or representative to fill vacancy.....	249
SPLIT TICKETS:	
how marked, folded, etc.....	163
SPRING ELECTION:	
registration board, meetings, etc., in cities and townships.....	88, 95
STATE BOARD OF EDUCATION:	
members of, when elected, term of office, duties, etc.....	69, 466
STATE CANVASS:	
how and when made.....	201-13
STATE CANVASSERS (see board of state canvassers).	
STATE EMPLOYES:	
not deemed to have gained or lost residence.....	2
STATE HIGHWAY COMMISSIONER:	
office of, made elective in 1913.....	479
STATEMENT:	
of result of canvass, how prepared, etc.....	175
of county canvassers, what to contain.....	185, 239
of votes by district canvassers.....	186, 198
canvasser's, how made up and certified.....	187
where filed.....	187
to be delivered by county clerk to district canvassers.....	197
of state canvassers, what to show.....	206-7
as to canvass of votes, what to contain, when and by whom made and certified.....	266
when made and certified as to result of election in village districts, where deposited.....	271
made after canvass completed, by whom, what to contain, where recorded.....	332-3
of election of circuit judge, where returned, etc.....	458-9
of election of regents, how and by whom made.....	464-5
of result of election for justices of supreme court.....	473-5
of votes, by election inspectors of village elections.....	539
STATE OFFICERS:	
to be elected at general biennial election, term of office.....	23, 72, 226, 479
statement of votes for, duties of county canvassers as to.....	185
resignation of, where made, vacancy, how filled.....	440, 443
removal of certain, by whom.....	444-5
STRAIGHT TICKET:	
how marked by voter, folding of, etc.....	163
to be canvassed first, what ballots void.....	173
STUDENT:	
at seminary, residence not gained or lost.....	2
SUPERINTENDENT OF PUBLIC INSTRUCTION:	
election of, term of office.....	467
SUPERVISORS (see also board of supervisors).	
election of, term of office.....	46, 296, 300
to constitute member board of registration.....	84, 92
to act as inspector of election.....	139
when, to act as chairman of board of election inspectors.....	146
duties of, as to classification of justices in new townships.....	339-42
when to act as moderator of township meeting, duties, etc.....	357-61
to notify county clerk of vacancy in office of treasurer or justice of the peace.....	442
in fourth class cities, one of election inspectors.....	517
T.	
TALLY SHEET:	
and ballots to be placed and sealed in ballot box.....	174
and copy of statement of election to whom sent.....	175
TERM OF OFFICE:	
of elective officers.....	23, 72, 226, 434-5, 479
TICKETS (see ballots).	
TIE VOTE:	
when, for governor or lieutenant governor, legislature to choose.....	75
in case of, where drawing to take place.....	188
in case of, how election determined.....	188
proceedings in case of, in county offices, legislature.....	240
proceedings in case of, at city primaries.....	290
in case of, in cities of fourth class.....	524
in case of, at village elections, council to determine by lot.....	541

TOWNSHIPS:	Sections.
when, are entitled to more than one representative.....	11
number of justices of peace in.....	43
board of registration in, who to constitute, etc.....	84, 92
registration in, session of board, power, duties, etc.....	95
in new, who to constitute board of registration.....	114
opening and closing of polls in, and cities.....	182
noon adjournment, certain section not to apply to.....	182
who to constitute board of election commissioners in.....	228
duties of.....	228
when, may be divided into election districts.....	260
combined result of district reports to be official canvass of.....	268
when township board may abolish division of, into election districts.....	273
new, classification of justices of the peace in.....	339-40
who eligible to hold office in.....	352
TOWNSHIP BOARD:	
duties of, as to dividing township into election districts.....	142, 260-1
to be board of election commissioners.....	228
duties of.....	228
when, may appoint election inspectors.....	262
when to appoint person instead of justice of peace on registration board.....	265
when, may abolish division of townships into election districts.....	273
when disorganized or reduced below quorum, vacancy how filled.....	310
on request of twelve electors, may call special township meeting.....	311
may appoint temporarily to fill vacancy in certain offices.....	348-9
when, may purchase voting machines.....	546
TOWNSHIP CLERK:	
election of, term of office.....	53, 296, 300
to constitute member board of registration.....	84, 92
when to deliver register to election inspectors.....	97
when to deliver and certify to copy of register of electors.....	102, 104
to forward secretary of state number of registered names.....	109
duty of, as to notification of election.....	138
to act as inspector of election.....	139
to provide ballot box, key, election seal, etc.....	144
printed instructions to voters furnished.....	168
to have charge of ballot box.....	174
duty of, as to duplicate statements of result of election.....	175
poll lists to be delivered to, and filed by.....	184
when order for special township meeting to be filed in office of.....	313
to keep minutes, etc., and list of persons voting at town meeting.....	320
to record proceedings during business adjournment at town meeting.....	328
oaths taken by township officers to be filed with and recorded by.....	335
when, to notify persons elected at township meeting.....	336
duties of, as to classification of justices in new townships.....	340-1
certain duties of, relative to elections.....	350-2
to give notice to county clerks of the election of justices of the peace.....	352
notice of, of election for circuit judge.....	457
copy of order for local option election to be sent to.....	593
duty of, relative to poll list and statement of local option election.....	596
when to make copy of poll list, fee for.....	604
TOWNSHIP ELECTIONS (see elections, township).	
TOWNSHIP MEETING:	
annual, how construed.....	83
board of registration, meetings, etc., of.....	95
when held, officers elected at.....	296
election inspectors at, same as at general elections.....	319
when notice of first, in election district to be given.....	261
where held, when may be changed, proceedings, etc.....	302-4
adjournment of, from time to time, when purpose other than election of officers.....	305
first, after organization, when held, officers elected, etc.....	306-9
town clerk to keep list of voters, minutes of proceedings, etc.....	320, 350
polls, when opened, proclamation, etc.....	322
challenges at, governed same as at general elections.....	326
appropriation of money and election of officers at, by viva voce vote.....	328
when clerk to notify persons elected at.....	336
who qualified to vote at.....	362
first, in new townships, notice, place of holding, etc.....	369
TOWNSHIP MEETING, SPECIAL:	
when may be called to fill vacancy.....	310
call of, on signed request of twelve electors, mode of procedure.....	311
order for, what to specify.....	312
within what time, shall be called after order made.....	313
TOWNSHIP OFFICERS:	
when, elected at township meetings to take oath of office.....	335
penalty for certain, neglecting to qualify.....	344
compensation of the various.....	354-6
increase of, upon ratification of electors.....	355
resignations of, how and to whom made.....	440
removal of, for certain reasons, by whom.....	446

TOWNSHIP TREASURER:	Sections.
election of, term of office.....	53
to constitute member of board of registration.....	84, 92
township clerk to file copy of register with.....	104
election of, term of office.....	296, 300
vacancy in office of, town board may fill temporarily.....	349, 442
U.	
U. S. CONSTITUTION:	
provisions of (see appendix).	
UNITED STATES SENATOR:	
penalty for attempt to corrupt vote of legislator for.....	387
election of, by legislature, vacancy, etc., relative to.....	476-8
UNUSED BALLOTS:	
who to preserve, etc.....	172
V.	
VACANCY:	
in office of sheriff, in default of security.....	49
in office of regent of the university, filled by governor.....	67
in board of registration in cities, how filled, etc.....	85
in new township, how filled.....	118
when notice of election to fill, in certain offices be given.....	131, 134
how special election may be called to fill.....	135, 310
when, to be filled at general election, when notice to be given.....	138
in office of congressman, notice of, by whom given.....	217
in office of presidential electors, how filled.....	219
term of office of persons elected to fill.....	226
on board of county canvassers, how filled.....	238
special canvass to fill, in office of state senator or representative.....	249
in board of primary inspectors, how filled, etc.....	279
to city or county convention, how filled.....	287
in the various township offices, term of office, etc.....	298, 301
manner of classifying justices in case of election to fill.....	343
in certain town offices, how filled temporarily.....	348-9
in political delegations, how filled.....	399
in office of county treasurer, how and by whom supplied.....	406
in office of register of deeds, how and by whom supplied.....	414, 450
term of office of county officers elected to fill, when to commence.....	420
in office of circuit court commissioner, how filled.....	426
in office of county commissioner of schools, how and by whom filled.....	430
in office of county drain commissioner, how filled.....	431
in office of mine inspector, how filled.....	434, 436
in office, statement of, to be filed in office of secretary of state.....	441
in certain state and county offices, how filled.....	443-4
in office of county clerk or prosecuting attorney, how filled.....	450
in certain state offices, by whom filled.....	452
appointment or election of county officers to fill.....	453
in office of justice of supreme court, how filled.....	471
in office of U. S. senator, how filled, etc.....	477
in office of state highway commissioner, how filled.....	479
in offices in cities of fourth class, when and how filled.....	506-8
in fourth class cities, in election inspectors.....	517
person elected to fill, for less than full term to be designated on ballot.....	538
VIGNETTE:	
of political party, copy of, to be forwarded to election commissioners.....	148
to be adopted by political parties, size, etc.....	149
impression of, when and where filed.....	150
how may be changed.....	150
township, city or village committees, not required to furnish.....	228
VILLAGES:	
registration of electors in.....	92, 105, 272
who to constitute board of election commissioners in.....	228
duties of.....	228
division of, into election districts.....	268-9
manner of conducting elections in, districts.....	271
when may be divided into voting precincts.....	544
VILLAGE CLERK:	
to give notice of election.....	535
statement of votes and certificate of election to be filed with.....	539
to make duplicate certificates of election, where filed.....	540
to notify persons elected or appointed.....	542
VILLAGE COUNCIL:	
to appoint election commissioners, provide ballot boxes, etc.....	536
to determine result of election.....	540
in case of tie at elections, to determine by lot.....	541
when may authorize the use of voting machines at village election.....	546
VILLAGE OFFICERS:	
number of, elected or appointed, term of office, etc.....	527-31
VILLAGE TRUSTEES:	
duties of, and president as to dividing village into election districts.....	268
VIVA VOCE VOTE:	
inspectors of election, when chosen by.....	140
when overseers of highways may be elected by.....	316
business transacted at town meetings by.....	328

VOTERS (see also electors).	Sections.
instructions to, form of ballot, etc.....	152
assistance of, in preparation of ballot.....	158
printed instructions, by whom furnished, etc.....	168
unlawful to influence	170
instructions for, information when, by whom and to whom delivered.....	556
instructions for, as to voting machine and time, may remain in booth.....	561
unable to vote intelligently, by whom and how assisted.....	564
VOTES:	
statement of, by county canvassers.....	185
statement of, by district canvassers.....	186
canvasser's statement of, how made up, filed, etc.....	187
district canvass of, when and where made.....	196
recount of, by county canvassers.....	245-8
canvass of, in districts, certified statement to be made.....	266
canvass and result of, on questions submitted to electors at district meetings	267
canvass of, in village districts.....	271
canvass of, at township elections.....	330
canvass of, for circuit judge.....	458
for regents, canvass of	464-5
canvass of, for supreme court justices.....	473-5
returns of, of certain officers at general election, when, to and by whom made	581
VOTING MACHINES:	
closing of polls in counties where all precincts use.....	143
who may authorize the use of, at township, city or village elections.....	546, 576
purchase and use of.....	546-80
how constructed, how used by electors.....	547
payment for, by bonds, etc., by whom.....	549
supplies, rules and instructions in connection with use of, by whom fur- nished	550, 568
ballot labels for.....	551
model of, to be set up and operation of, explained to voters.....	552
preparation of, by county clerk, sealing.....	553
custodian of, appointment and duties.....	553-4
instruction to inspectors, relative to operation of.....	554
instructions for voters as to using, to be placed in booths.....	556
assistance given voters where, are used.....	564
statement of votes shown by, when to be ascertained and proclaimed.....	566-7
districts using, to notify secretary of state.....	568
use of, at primary elections.....	570-5
W.	
WAGER:	
on election, penalty for	377-9
WARD COMMITTEE:	
notice of time for holding primaries in cities given by.....	276
one of, in city primaries, one of board of inspectors.....	279
WARDS:	
residence in, condition of registration.....	100
primaries in cities, held in, at same time.....	275
change of boundaries not to affect aldermen.....	482-3
electors in, division of, into precincts, etc.....	484-5
registration, election districts, new, etc.....	486-501
two aldermen elected in each.....	496
WAYNE COUNTY:	
re-registration of electors in, when made.....	113
board of election commissioners in, who to constitute.....	147
nominee in, of two parties to give notice specifying choice.....	148
failure to give, name how placed.....	148
committees, to forward vignette and names of candidates to election com- missioners	149
who to constitute board of county canvassers in.....	236
act for approval of county officers' bonds, not to apply to.....	439
WOMEN:	
may vote in certain cases.....	365-8
qualifications of, voters	366

INDEX TO THE
PRIMARY ELECTION LAW



INDEX

TO PRIMARY ELECTION LAW

The references are to compiler's sections.

A.		Sections.
ADVERTISEMENT:		
in papers, restriction placed on candidate.....		656, 659
AFFIDAVIT:		
enrollment by		613
APPORTIONMENT:		
of delegates to state convention, who to determine.....		627
AUGUST PRIMARY:		
conduct of, officers nominated, etc.....		610-66
state convention held within forty days after.....		652
B.		
BALLOTS:		
form of, color of, etc.....		624
submitting proposition, form, color and size when more than one proposition submitted		624
instruction, number printed, color.....		628
who to prepare, what to contain, colors, etc.....		628
place upon, for writing names of proposed county delegates.....		629
preparation of, in cities where officers not elected at November election....		630
preparation of, by board of election commissioners, how governed.....		630
for political party, number to be printed.....		631
how prepared, numbered, etc.....		633
official primary, form of.....		633
elector to state, desired.....		643
cast by challenged elector, record to be kept of.....		643
folding of		644
penalty for exposure of		644
rejection of		645
counting of		645
printing of names on.....		650
BALLOT BOXES:		
provision for		611
etc., returning of		646
when, to be opened in case of recount.....		649
BANNER:		
campaign, unlawful to post.....		656
unlawful to distribute, etc., above certain size.....		657
BLANK BALLOTS:		
to be prepared, when used, etc.....		628
BLANK FORMS:		
of nomination petitions, county, etc., clerks to prepare, etc.....		639
BOARD OF CANVASSERS:		
to certify nominee to election commissioners.....		648
duty of, relative to recount.....		649
BOARD OF ELECTION COMMISSIONERS:		
to prescribe size, etc., of ballots.....		624
to prepare, etc., ballots.....	628,	630
duty of, in certain cities.....		630
how governed in preparation of ballots.....		630
number of delegates each election district entitled to, to be certified to.....		630
new parties to certify to, number of ballots necessary.....		631
duty of, relative to delivering ballots, etc., to county clerk.....		642
to certify names of certain delegates to county clerk.....		645
duty of, relative to printing names on ballot.....		660
BOARD OF ELECTION INSPECTORS:		
to constitute enrollment board.....		614
when, may enroll elector on primary election day.....		619
re-enrollment by voter changing party affiliations.....		620

	Sections.
BOARD OF STATE CANVASSERS:	
who to appoint meeting, of.....	647
how to proceed in canvass of votes for U. S. senator, governor, etc.....	647
to certify nominations	648
C.	
CALLS:	
for state convention, when issued, etc.....	652
CAMPAIGN CARDS:	
unlawful to distribute, etc., above certain size.....	657
CANDIDATES:	
for circuit judge, election of, when held, etc.....	624-5
for city offices, when nominated.....	625
sum paid by, in certain cities previous to printing of name on ballot.....	636
unlawful for, to procure more than maximum number of names on nomi- nation petition	639
list of, to be publicly exposed.....	640
secretary of state to certify names of, to boards of election commissioners. not deemed nominated when party vote less than fifteen per centum of preceding election	640
notice to opposing, in case of recount.....	646
certain, names of, certified to election commissioners.....	649
when nominated by more than one party.....	650
for county officers to elect chairman and secretary of county committee.. unlawful for, to post card, banner, poster, etc.....	650
unlawful to solicit money, etc., from.....	656-7
restriction placed on, in advertising.....	658
unlawful for, to treat	659
CANVASS OF VOTES:	
and return of votes cast at primary submitting question.....	660
how made for candidates in judicial districts.....	624
law regulating	611, 647
CARDS:	
campaign, etc., unlawful to post.....	656-7
printing of, by county clerk, what to contain, etc.....	664
CERTIFIED COPIES:	
of votes for certain candidates to be transmitted to secretary of state.....	647
CHAIRMAN:	
duty of, relative to charge of enrollment board.....	617
of enrollment board, duty of, relative to enrollment.....	618
of township, etc., committee to notify delegates elected to convention.....	627
of county committee, when to certify number of delegates to county con- vention	630
of county committee, how and when elected.....	650
CHALLENGE:	
of voters at primary	643
CHALLENGERS:	
powers of	644
CIRCUIT JUDGE:	
nomination of, how made, date of, etc.....	624-5
when secretary of state to canvass vote relative to direct nomination of.. CITIES:	624
primaries in, when effective.....	610
enrollment in	613
certain, subsequent submission under direct nomination system by.....	621
under commission form of government, primary act not to apply to.....	625
certain, officers nominated at primaries.....	626
having no wards, delegates elected from entire city.....	627
nomination petitions of local officers in certain, time set for filing.....	640
certain, time polls left open.....	641
not adopting certain provisions to nominate in conventions.....	650
nomination of party candidates in certain, provisions governing.....	653
CITY CLERK:	
nomination petitions in certain cities addressed to.....	622
when certain duties of, performed by secretary of state.....	624
primary election, notice of, when given by, submitting direct nomination.... duty of, relative to nomination petition.....	624
primary election ballots to be filed with.....	631
nomination petitions of city officers to be filed with.....	636-7
to prepare, etc., blank forms of nomination petitions.....	639
to prepare, etc., list of candidates.....	640
duty of, relative to delivering of register of electors, etc.....	664
CITY OFFICE:	
direct nomination of party candidates for, submission of question.....	621
petition relative to nomination in certain cities to, where addressed.....	622
CITY OFFICERS:	
nomination of, at primaries.....	626
signatures required upon nomination petitions of.....	636
CLERK:	
extra, for enrollment day.....	614
COMMISSION FORM OF GOVERNMENT:	
cities under, primary act not to apply to.....	625
COMMITTEES:	
county, how chosen, etc.....	650-51

	Sections.
COMMON COUNCIL:	
power of, in certain cities to hold polls open.....	641
CONGRESSMAN:	
nomination of	626
canvass of votes for	647
CONVENTION:	
when delegates elected at.....	627
state, when held, etc.....	652
COPIES:	
certified, of list of candidates to be posted.....	640
CORRECTION BLANKS:	
secretary of state to prepare, etc.....	615
COUNTY CLERK:	
duty of, relative to enrollment book.....	615
corrections and additions to enrollment book reported to.....	616
when certain duties of, performed by secretary of state.....	624
proof copies of ballot to be on file in office of.....	631
to furnish primary pamphlets to election inspectors.....	632
nomination petitions of district officers filed with.....	635
new party petitions, for district or county offices, filing of, with.....	637
to prepare, etc., blank forms of nomination petitions.....	639
nomination petitions, time set for filing with.....	640
duty of, when nomination petitions deficient.....	640
to certify names of candidates who meet requirements.....	640
to prepare, etc., list of candidates.....	640
duty of, relative to distribution of ballots, etc.....	642
to certify delegates to county convention.....	645
to transmit certified copies of votes for candidates to secretary of state.....	647
duty of, relative to printing certain sections of primary act.....	664
COUNTY COMMITTEE:	
when number of delegates to state convention certified to chairman of....	627
to indicate how delegates selected.....	627
chairman of, when to certify number of delegates to county convention....	630
of new party, to certify number of ballots necessary.....	631
what to constitute.....	650
chairman and secretary of, how and when elected.....	650
to issue call for meeting of county convention.....	651
at convention, to be chosen by each party.....	651
COUNTY CONVENTION:	
election of delegates to.....	627
delegates to, how chosen	645
when held, how designated, etc.....	651
COUNTY OFFICERS:	
nomination of, at primaries.....	626
signatures required upon nomination petitions of.....	636
COUNTY OFFICES:	
candidates for, when nominated.....	625, 626
when to elect chairman and secretary of county committee.....	650
CUSTODIAN:	
who to be, of general registration book.....	616
of enrollment, etc., books, when to forward to county clerk, etc., copy of	
enrollment book	616
to deliver enrollment book to board.....	617
D.	
DEATH:	
or withdrawal of candidate.....	650
DEFICIENT PETITIONS:	
duty of secretary of state, etc., relative to.....	640
DELEGATES:	
to political convention, nomination of, at primary election.....	612
to county convention, when selected in convention.....	627
election of, to county convention, number, etc.....	627
to state convention, when number certified and apportioned.....	627
when chosen	651
to county convention, chairman of county committee to certify apportion-	
ment of	630
who declared	645
DEMOCRATIC PARTY:	
ballots for, to be printed upon blue paper.....	630
DEPOSIT:	
petitioner for recount to make.....	649
DISTRICT OFFICERS:	
signatures required upon nomination petitions of.....	635
DISTRICTS:	
not adopting certain provisions to nominate in conventions.....	650
DITTO MARKS:	
not to be used in enrollment book.....	615
E.	
ELECTIONS:	
expenses of, how defrayed.....	611
how conducted, etc.....	611
result of, how declared, etc.....	646

ELECTION COMMISSIONERS:	Sections.
board of, duty of, relative to ballots.....	624, 628, 630
duty of, in certain cities.....	630
nominees to be certified to.....	648
ELECTION INSPECTORS:	
to constitute enrollment board.....	614
when board of, may enroll name of qualified elector.....	619
primary pamphlets to be furnished.....	632
to preside over primary election.....	642
number of, when may be reduced.....	642
to act as challenger in certain cases.....	643
duty of, relative to ballots.....	644
to certify names of delegates to county convention.....	645
pasting of certain slips on ballot by.....	650
to cause certain sections to be posted.....	664
ELECTOR:	
enrollment of, under direct nomination system.....	613, 615, 617, 619
who deemed qualified, at primary election.....	613
re-enrollment of.....	613
voting in new precinct.....	619
enrolled, change of party affiliation of.....	620
oath of, when challenged.....	643
to state ballot desired.....	643
ENROLLMENT:	
notice of.....	611
in cities.....	613
party, when and how made.....	613
of voters of a particular party, date of.....	613
failure to hold, penalty.....	613
ENROLLMENT BOARD:	
what to constitute, sessions of, etc.....	614
duty of, relative to primary enrollment.....	615
penalty for failure of, to hold enrollment.....	616
when, to review, etc., enrollment book.....	617
ENROLLMENT BOOK:	
form of, what to contain, etc.....	615
corrections, etc., to, to whom furnished.....	615-16
custodian of.....	616
review of.....	617
duty of chairman relative to form of.....	618
ENROLLMENT CLERK:	
enrollment board may employ, on enrollment day.....	614
duty of, relative to blank leaflets.....	615
ENROLLMENT DAYS:	
certain days designated as.....	613
EXPENSES:	
of elections, how defrayed.....	611
G.	
GENERAL ELECTION LAW:	
certain provisions of, to govern primary election.....	642
GOVERNOR:	
nomination of, at primaries.....	625
signatures required upon nomination petition of.....	634
canvass of votes for.....	647
H.	
HALF-TONE ENGRAVING:	
unlawful to post.....	656
size of, for publication in newspaper.....	659
HAND BILL:	
campaign, unlawful to post.....	656
unlawful to distribute, etc., above certain size.....	657
I.	
INSTRUCTION BALLOTS:	
printing of, color, etc.....	628
J.	
JUDICIAL DISTRICT:	
when, composed of more than one county.....	624
L.	
LIEUTENANT GOVERNOR:	
nomination of, at primaries.....	625
nomination petition for, what per cent of signatures required.....	634
canvass of votes for.....	647
LIQUORS:	
circulating of, at polls.....	655
unlawful for candidate to buy elector.....	660
LIST:	
of candidates, who to prepare, etc.....	640

LITHOGRAPH:	Sections.
unlawful to post.....	656
etc., unlawful for candidate to publish.....	659
size of, for publication in newspaper.....	659
M.	
MARCH PRIMARY:	
election of county officers, etc., at.....	625
state convention held within fifteen days after.....	652
MEETING:	
of enrollment board.....	614
of board of state canvassers, who to appoint.....	647
MISDEMEANOR:	
who deemed guilty of.....	654, 661-2
MONEY:	
unlawful to use, in influencing voter.....	654
etc., soliciting of, from nominee unlawful.....	658
N.	
NAMES:	
arrangement of, in enrollment book.....	615
number of, required on petition for direct nomination.....	621
of candidates may be written, etc., on ballots for special election.....	625
of delegates to county convention not to be printed on ballot.....	627
of candidates to be publicly exposed in office of secretary of state, etc.....	640
printing of, on ballot.....	629, 650
NEW POLITICAL PARTY:	
enrollment of voter in.....	613
who to determine number of ballots for.....	631
how to obtain printing of name of candidate of.....	637
candidates of, names required on nomination petitions of.....	637
when voter may re-enroll as member of.....	637
nomination petitions of candidates of.....	639
NEWSPAPER:	
candidate, restrictions placed on, in advertising in.....	659
NOMINATION:	
of party candidates in cities of less than seventy thousand.....	621
of person by more than one party.....	650
of candidate in certain cities, in convention.....	650
NOMINATION PETITION:	
candidate to file, before name printed on ballot.....	629
where filed, who may sign, form of, etc.....	634-9
who may sign, etc.....	636
elector not to sign more than one for same office.....	639
open to public inspection, etc.....	639
time limited for filing.....	640
NOMINEES:	
when, may name committee.....	650
NON-PARTISAN BALLOT:	
when city officers elected on, primary act not applicable.....	625
NOTICE:	
relative to enrollment and election.....	611
for convening of enrollment board when, how, where given.....	614
of primary to vote on direct nominations, when county or city clerk to give..	624
O.	
OATH:	
elector to make, when enrolling on primary election day.....	619
of challenged elector, form of.....	643
OFFENSE:	
prosecution for, when to be commenced.....	663
OFFICERS:	
duty of, relative to election.....	611
election, duty of same as under general election law.....	646
when guilty of misdemeanor.....	662
P.	
PAMPHLET COPIES:	
of primary law, secretary of state to furnish.....	632
PARTY ENROLLMENT BOOK:	
custodian of, review of, etc.....	616-17
PASTERS:	
unlawful to distribute, etc., at primary election.....	625
PENALTY:	
for soliciting votes unlawfully.....	654
upon conviction of misdemeanor.....	661
for neglect of duty of officer.....	662
PETITION:	
relative to nomination, of party candidates for certain offices.....	621, 622
to whom addressed, form of.....	622-3
signing of, relative to nomination of candidates in certain cities.....	621
relative to nomination to offices in certain cities, etc. where addressed.....	622
form of, relative to direct nomination.....	623

PETITION—Continued.	Sections.
relative to direct nomination, by whom examined.....	624
nomination, to be filed before candidates' name printed on primary ballot.....	629
for governor, etc., what percentage of signatures required.....	634
relative to the, of county officers, filing.....	636
who may sign, etc.....	638
of new parties, who to sign.....	637
form of all.....	638
public inspection of, after filing of, with secretary of state.....	639
blank forms of, kept by county and city clerks.....	639
unlawful to sign more than one; for same office.....	639
time set for filing of, with city clerk.....	640
time set for filing of with secretary of state.....	640
to board of canvassers for recount.....	649
for submission, etc., how governed in certain cities.....	653
PHOTOGRAPH:	
unlawful for candidate to post.....	656
POLLS:	
opening and closing of.....	641
liquors, use of, at.....	655
POSTER:	
campaign, unlawful to post.....	656
unlawful to distribute, etc., above certain size.....	657
printing of, by county clerk, what to contain, etc.....	664
PRIMARY DAY:	
enrollment on.....	613
PRIMARY ELECTION:	
how made, when held, etc.....	610-11
definition of.....	612
no person to vote at, unless enrolled.....	613
notice of, submitting direct nomination of party candidates.....	624
for nominating candidates for circuit judge, when held, etc.....	624, 625
general, when held.....	625
provisions of general election law relative to furnishing ballots, etc., applicable to.....	642
result of, how declared.....	646
candidates for county offices to elect chairman and secretary of county committee within ten days after.....	650
to be deemed election day.....	665
PRIMARY ELECTION LAW:	
certain sections of, to be printed on cards, etc., posting, etc.....	664
PROHIBITION PARTY:	
ballots for, to be printed upon red paper.....	628
PROSECUTION:	
for offenses mentioned in this act.....	663
PUBLICATION:	
of notice, of list of certified candidates.....	640
Q.	
QUALIFIED ELECTOR:	
definition of.....	612
R.	
RECORD:	
to be kept of ballot cast by challenged elector.....	648
RECOUNT:	
candidates may petition for, deposit, etc.....	649
RE-ENROLLMENT:	
of electors.....	618
of elector, application for.....	620
on primary election day.....	637
REGISTER OF ELECTORS:	
to be furnished the inspectors by city clerks.....	664
REGISTRATION:	
of electors on election day.....	619
REGISTRATION BOOKS:	
custody of.....	616
REPRESENTATIVE:	
in congress, nomination of, at primaries.....	626
state, nomination of, by direct vote.....	626
signatures, required upon nomination petition of.....	635
nomination of two or more candidates in each party.....	635
canvass of votes for.....	647
districts comprised of more than one county.....	660
REPUBLICAN PARTY:	
ballots for, to be printed upon white paper.....	628
RE-SUBMISSION:	
of question of direct nomination of party candidates in certain cities.....	621
RETURNS:	
election, canvass of, etc.....	647
when, deemed correct, in case of recount.....	649
REVIEW:	
of enrollment book, by whom.....	617

S.		Sections.
SECRETARY:	of county committee, how and when chosen.....	650
SECRETARY OF STATE:		
	duty of, relative to enrollment book.....	615
	corrections and additions to enrollment book reported to.....	616
	votes cast for, bearing of, on candidates in cities less than 70,000.....	621
	duty of, relative to judicial districts.....	624
	duty relative to furnishing pamphlets of primary law.....	632
	nomination petitions for U. S. senator, governor and lieutenant governor filed with.....	634
	of new parties.....	637
	district officers, nomination petitions relative to, filed with.....	635
	nomination petitions, to keep record of.....	639
	time set for filing of with.....	640
	duty of, relative to certifying names of candidates to certain boards of election.....	640
	duty of, when nomination petitions deficient.....	640
	to prepare, etc., list of candidates.....	640
	county clerk to transmit certified copies of votes to.....	647
	duty of, relative to calling meeting of canvassers.....	647
	nomination of U. S. senator certified to.....	648
	to certify nomination of U. S. senator to next legislature.....	648
SENATOR:		
	state, nomination of.....	626
	United States, nomination of, at primaries.....	625
	petitions to be filed with secretary of state relative to nomination of of new party, nomination petition relative to.....	634
	canvass of votes for.....	637
	nomination of, to be certified to secretary of state.....	647
SIGNATURES:		
	percentage required on petition for submission.....	621
	required upon nomination petitions of certain officers.....	634
	nominating petitions of new parties, number required.....	637
SLIPS:	unlawful to distribute, etc., at primary election.....	625
SOLICITING:		
	of votes, unlawful.....	655
SPECIAL PRIMARY ELECTION:		
	when called, etc.....	625
STATE CENTRAL COMMITTEE:		
	when, to certify number of delegates to state convention.....	627
	to certify number of ballots necessary.....	631
	meeting of board of state canvassers certified to.....	647
	to designate date of county convention.....	651
	to issue call for state convention, etc.....	652
	selection of, at state convention.....	652
STATE CONVENTION:		
	who to certify number of delegates to.....	627
	election of candidates for.....	651
	when held, etc.....	652
STATEMENTS:	to be delivered, etc., by election officers.....	646
STATE OFFICERS:	nomination of, at state convention.....	651
SUBMISSION:	of question of direct nomination of party candidates in certain cities.....	621
	of question of direct vote, petitions for.....	653
SUPPLIES:	disposition of, etc., after counting of votes.....	646
T.		
TALLY SHEETS:	duty of election officers relative to.....	646
TIE VOTE:	determined by lot.....	649
TOWNSHIP:	election of delegates from, to county convention.....	627
TOWNSHIP BOARD:	power of, to hold polls open.....	641
TOWNSHIP CLERK:	duty of, relative to delivery of register of electors, etc.....	664
TREATING:	by candidates, etc., unlawful.....	660
TWENTY PER CENT:	of enrolled voters required on petition for submission, etc., of direct nomi- nation.....	621
U.		
UNITED STATES SENATOR (see also senator).		
	nomination of, at primaries.....	625
	signatures required upon nomination petition of.....	634

V.		Sections.
VACANCY:		
in office, when special election held to fill.....		625
in delegation to county convention, how filled.....		627
action taken in case of.....		650
when, not filled by committee.....		650
VILLAGE CLERK:		
duty of, relative to delivery of register of electors, etc.....		664
VOTERS (see also electors).		
enrollment of	613, 617	
unlawful for, to sign more than one nomination petition for same office....		639
VOTES:		
canvass of		624
canvass of, for U. S. senator, governor, etc.....		647
soliciting, unlawful		655
W.		
WARD:		
election of delegates from, to county convention.....		627
cities not having, delegates chosen from entire city.....		627
WITHDRAWAL:		
or death of candidate.....		650
WITNESSES:		
not liable to criminal prosecution, relative to testimony.....		663



GAYLORD BROS.
MAKERS
SYRACUSE, N. Y.
PAT. U.S. 2,111,800

YC 09330

JK1963
.M5A3
1911

258205

